

CONFERENCE COMMITTEE REPORTS

Conf. Com. Rep. 1-20 on S.B. No. 126

The purpose of this measure is to make an appropriation to the Office of the Governor.

Your Committee on Conference has amended this measure by:

- (1) Providing adjustments to the Supplemental Appropriations Act of 2020, the Judiciary Supplemental Appropriations Act of 2020, and the Supplemental Improvements Act of 2020;
- (2) Making changes to Senate Bill No. 75 S.D. 2, H.D. 1, and Senate Bill No. 3139 S.D. 1, H.D. 1, passed by the legislature on May 21, 2020;
- (3) Deploying the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, funds received by the State and transferred to the emergency and budget reserve fund;
- (4) Appropriating balances in the emergency and budget reserve fund to support critical needs and services during the coronavirus disease 2019, or COVID-19, pandemic; and
- (5) Providing the Governor with access to amounts in the Hawaii hurricane relief fund to support critical needs and services during the COVID-19 pandemic.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 126, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 126, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Dela Cruz, Keith-Agaran and Fevella.
Managers on the part of the Senate.
Ayes, 3. Noes, none. Excused, none.

Representatives Luke, Cullen and McDermott.
Managers on the part of the House.
Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 2-20 on S.B. No. 785

The purpose and intent of this measure is to require the scope of collective bargaining negotiations to include benefits related to the Hawaii Employer-Union Health Benefits Trust Fund. The measure also allows employers and exclusive representatives to resolve disputes over health benefits and contribution amounts through binding arbitration.

Your Committee on Conference finds that appropriations are needed for public employers to comply with the terms of the agreement negotiated between public employers and collective bargaining units (2), (3), (4), (7), (8), (9), (13), and (14) and their excluded counterparts, including the cost of salary adjustments, for fiscal biennium 2019-2021.

Accordingly, your Committee on Conference has amended this measure by:

- (1) Deleting its contents and replacing them with provisions to:
 - (A) Make appropriations for collective bargaining cost items for the members of collective bargaining units (2), (3), (4), (7), (8), (9), (13), and (14) and their excluded counterparts, including the cost of salary adjustments negotiated between the State and the bargaining unit representative, for fiscal biennium 2019-2021; and
 - (B) Appropriate moneys to meet collective bargaining requirements under emergency medical services contracts; and
- (2) Changing the effective date to take effect upon approval and to apply retroactively to June 30, 2020.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 785, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 785, S.D. 1, H.D. 1, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Taniguchi, Dela Cruz, Keith-Agaran and Fevella.
Managers on the part of the Senate.
Ayes, 4. Noes, none. Excused, none.

Representatives Johanson, Luke and Matsumoto.
Managers on the part of the House.
Ayes, 3. Noes, none. Excused, none.

Conf. Com. Rep. 3-20 on H.B. No. 285

The purpose of this measure is to:

- (1) Require the chief of each county police department to disclose to the Legislature the identity of a police officer upon the suspension or discharge of the officer, beginning with the annual report due no later than January 31, 2021; and

- (2) Amend the Uniform Information Practices Act to allow for the disclosure of employment misconduct information that results in the suspension of a county police officer when the suspension occurs after March 1, 2020.

Your Committee on Conference finds that requiring disclosure of the identities of suspended or discharged county police officers to the Legislature will improve oversight of police departments in cases of severe misconduct. While existing law allows for disclosure of information on discharged county police officers, treating information requests for police officers similarly to other civil servants who are suspended or discharged is consistent and fair and furthers transparency in law enforcement. In addition, to be consistent with all requests for information under the Uniform Information Practices Act, your Committee on Conference believes that a requestor should have the ability to request such information retroactively if the information is available and the request otherwise meets the requirements for disclosure under the Uniform Information Practices Act.

Your Committee on Conference further finds that requiring the Law Enforcement Standards Board to review and recommend statewide policies and procedures for law enforcement, including the use of force, will promote uniformity and public trust in this critical public service. Additionally, while the Law Enforcement Standards Board has the authority to certify law enforcement officers, it lacks the express authority to revoke certifications. Your Committee on Conference finds that authorizing the Board to revoke certifications when warranted provides a logical and necessary enforcement mechanism that complements the Board's powers to certify and investigate.

Your Committee on Conference has amended this measure by:

- (1) Removing the specific reference to the report due to the Legislature no later than January 31, 2021;
- (2) Removing the time limitation under the Uniform Information Practices Act for disclosure of information related to employment misconduct that results in a county police department officer's suspension;
- (3) Empowering the Law Enforcement Standards Board to establish uniform statewide standards for law enforcement, including the use of force;
- (4) Explicitly allowing the Law Enforcement Standards Board to revoke the certification of law enforcement officers for misconduct or failure to meet qualifying standards as warranted;
- (5) Allowing the Law Enforcement Standards Board until December 31, 2021, to finalize its standards and certification process;
- (6) Updating the purpose section;
- (7) Making this measure effective upon approval; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee on Conference notes that this measure, in conjunction with section 52D-3.5(a), Hawaii Revised Statutes, will require that the report due to the Legislature on January 31, 2021, include the identity of any police officer suspended or discharged during the period of January 1, 2020, through December 31, 2020.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 285, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 285, H.D. 1, S.D. 2, C.D. 1.

Signed by the Chairs on behalf of the Committee.

Senators Rhoads, Nishihara, Baker and Fevella.
Managers on the part of the Senate.
Ayes, 3. Noes, 1 (Fevella). Excused, none.

Representatives Johanson, Lee and Thielen.
Managers on the part of the House.
Ayes, 3. Noes, none. Excused, none.

STANDING COMMITTEE REPORTS

SCRep. 2301 Education on S.B. No. 2057

The purpose and intent of this measure is to give students enrolling in career and technical programs a preference or district exception for those programs in schools outside of the service area in which the student resides.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association. Your Committee received comments on this measure from the Department of Education and a private individual.

Your Committee finds that Department of Labor and Industrial Relations has determined that seventy-two percent of the State's projected job openings through 2022 will require a high school diploma or less. Furthermore, forty-four percent of Hawaii high school graduates will not seek post-secondary education to receive the industry-based skills and certifications required to join the 21st century job market. Therefore, students should be allowed to enroll in specific vocational programs that align with their interests and future goals, regardless of where they live.

Your Committee has amended this measure by:

- (1) Placing the definition of "career and technical education program" in Hawaii Revised Statutes 302A-101; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2057, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2057, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2302 Education on S.B. No. 2063

The purpose and intent of this measure is to establish and appropriate funds for the Hawaii After-School Program for Youth within the Department of Education Community Engagement Branch to provide after school programs for children in grades six through eight.

Your Committee received testimony in support of this measure from the Department of Education, University of Hawaii, State Public Charter School Commission, Hawaii State Teachers Association, Kaho'omiki, Hawaii Afterschool Alliance, and a private individual. Your Committee received comments on this measure from Department of Human Services and Department of Budget and Finance.

Your Committee finds that in 2016 the legislature requested the Department of Education to convene a working group to review after-school programs in Hawaii's public middle and intermediate schools. The working group found that there is an immediate need to increase the funding for out-of-school programs in the State to provide services to all of the children that would like to participate in these kinds of programs.

Your Committee further finds that thirty-six thousand children are left alone each day during the hours after-school in Hawaii. A single funding source to support quality care and learning in out-of-school time, increase student access that build character, self-esteem, and prevent risky behaviors through a variety of educational activities that enhance student outcomes. After-school programs also allow parents to work without worry, confident in the fact that their children will be in a safe, enjoyable after-school programs until they can come home.

Your Committee has amended this measure by:

- (1) Clarifying that public charter schools are included; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2063, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2063, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2303 Education on S.B. No. 2257

The purpose and intent of this measure is to:

- (1) Amend the minimum qualifications for nominees to the State Public Charter School Commission to require residency in the State; and
- (2) Provide that commission members may be reimbursed for necessary and reasonable travel expenses incurred in the conduct of official commission business.

Your Committee received no testimony on this measure.

Your Committee has amended this measure by making a nonsubstantive amendment for purposes of clarity.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2257, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2257, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2304 Education on S.B. No. 2264

The purpose and intent of this measure is to:

- (1) Increase the number of days by which students have to apply for free or reduced lunch and to replenish the student's meal fund;
- (2) Require the Department of Education to report to the Legislature regarding the number of students who are denied meals based on the inability to pay;
- (3) Prohibit schools from stigmatizing a student due to inability to pay; and
- (4) Appropriate funds to the special school lunch fund.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii State Teachers Association, Hawaii Appleseed Center for Law and Economic Justice, Democratic Party of Hawaii Education Caucus, Blue Zones Project Hawaii, Hawaii Children's Action Network Speaks!, and eight private individuals.

Your Committee finds that Hawaii's poverty rate is ranked eighth lowest in the nation. However, when using a method of measuring poverty developed by the Census Bureau, which considers cost of living, Hawaii's ranking moves to thirteenth highest in the nation. Accordingly, over seventy thousand public school students eat free or reduced-priced meals in the State. Forty-seven percent of Hawaii's public school students qualify for the free and reduced lunch program, and that number has risen by twenty percent since 2007. Testimony received by your Committee indicated that in 2017, over one hundred students were denied a meal due to an inability to pay, and the figure was likely much higher as fewer than thirty percent of schools responded to the survey.

Your Committee further finds that under existing law, the grace period for families to pay for school meals at the beginning of the school year is twenty-one days, while the grace period for replenishing the student's meal fund account when it reaches zero or a negative balance is seven days. Your Committee additionally finds that extending the grace periods would significantly reduce the frequency of students being denied a school meal due to inability to pay. To increase protections for families and students in this situation, your Committee finds that schools should be prohibited from stigmatizing students for their families' inability to timely pay for school meals.

Your Committee has amended this measure by:

- (1) Adding language that prohibits a school from serving an alternative meal to students who are unable to pay; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2264, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2264, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2305 Ways and Means on S.B. No. 2058

The purpose and intent of this measure is to amend the state income tax law to remove unconstitutional limitations on the dividends received deduction.

Your Committee received testimony in support of this measure from the Department of Taxation.

Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that section 235-7, Hawaii Revised Statutes, provides an income tax deduction for dividends received by a taxpayer from certain types of corporations. However, as recognized by the Department of Taxation in Department of Taxation Announcement 98-5 and Tax Information Release 99-2, section 235-7, Hawaii Revised Statutes, unconstitutionally limits the deduction based on whether the dividend is received from a Hawaii corporation or whether it is received from a foreign corporation.

Your Committee further finds that this measure repeals the unconstitutional provisions of section 235-7, Hawaii Revised Statutes. Your Committee notes that these amendments reflect current departmental policies regarding the administration of the dividends received deduction.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2058, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2058, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (English, Moriwaki, Taniguchi).

SCRep. 2306 Ways and Means on S.B. No. 2066

The purpose and intent of this measure is to dispose of excess general fund revenues pursuant to Article VII, section 6 of the State Constitution.

Specifically, this measure:

- (1) Provides for an income tax credit to every qualifying resident individual taxpayer of the State;
- (2) Makes an unspecified deposit into the emergency and budget reserve fund established pursuant to section 328L-3, Hawaii Revised Statutes; and
- (3) Makes an unspecified deposit into the other post-employment benefits trust fund established pursuant to section 87A-42, Hawaii Revised Statutes.

Your Committee received written comments in support of this measure from the Department of Budget and Finance.

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that the timely passage of this measure aligns with the requirement to dispose of excess general fund revenues pursuant to Article VII, Section 6, of the State Constitution.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2066, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2066, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (English, Moriwaki, Taniguchi).

SCRep. 2307 Human Services on S.B. No. 2342

The purpose and intent of this measure is to amend, from thirty to twenty, the total amount of hours per week an individual must be employed to be a qualified caregiver under the Kupuna Caregivers Program and to appropriate funds for the proper implementation of the Kupuna Caregivers Program.

Your Committee received testimony in support of this measure from the Policy Advisory Board for Elder Affairs; one member of the Maui County Council; Maui County Office on Aging; United Public Workers, AFSCME, Local 646, AFL-CIO; International Longshore and Warehouse Union Local 142; Hawaii Family Caregiver Coalition; AARP Hawaii, Kokua Council; Alzheimer's Association, Aloha Chapter; Hawaii Appleseed Center for Law and Economic Justice; Children's Action Network; Faith Action for Community Equity; and thirty-four individuals. Your Committee received comments on this measure from the Executive Office on Aging.

Your Committee finds that as of July 1, 2018, the United States Census Bureau estimated that 18.4 percent of Hawaii's population was sixty-five years or older, and with projections of an increase to 19.4 percent in 2020 and 23 percent by 2030, caring for Hawaii's kupuna is a high priority to the State.

Your Committee further finds that currently there are 154,000 unpaid family caregivers in Hawaii who are taking care of their parents, spouse, or other relatives who need extra care. Family caregivers play a crucial role in the State's health care system by providing long-term care to the elderly, and do so unpaid. However, it is imperative to ensure that the caregivers take care of themselves and have the necessary support and services to sustain their own health as well as the health of the person for whom they are caring.

Your Committee notes that to address this issue, the Kupuna Caregivers Program was established on July 6, 2017, and aims to provide working caregivers with additional resources to cover a variety of support services such as adult day care, assisted transportation, homemaker services, and many more important services to qualified kupuna. The program ensures that caregivers continue earning their own retirement benefits, which helps businesses retain experienced workers and provides peace of mind that loved kupuna are well cared for while caregivers remain in the workforce. This program allows caregivers who are juggling their own employment with their caregiving responsibilities to simultaneously take care of their kupuna and themselves.

Your Committee also notes that since the establishment of the Kupuna Caregivers Program, the Executive Office on Aging has reportedly received hundreds of calls from Hawaii residents wishing to receive the benefits of the program. While the creation of the program was an important first step, your Committee believes that the program requires additional fourth year funding to have the impact it needs. Your Committee also finds that appropriation for the Kupuna Caregivers Program is a priority of the Ige Administration. With the high volume of residents showing interest in the program, the current funding needs to be increased in order to better serve the people of Hawaii.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2342 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2308 Human Services on S.B. No. 2334

The purpose and intent of this measure is to lower the age of crimes against seniors to sixty years of age and make certain criminal offenses against seniors applicable regardless of the perpetrator's knowledge of the victim's age.

Your Committee received testimony in support of this measure from the Department of Human Services, Policy Advisory Board for Elder Affairs, Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney for County of Maui, Maui County Office on Aging, United Public Workers, Kokua Council, and four individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the State of Hawaii Executive Office on Aging.

Your Committee finds that in light of numerous violent crimes against seniors that existing law requires amendment to add focus as well as stronger deterrents and stricter consequences for crimes against seniors. Your Committee further finds that defining seniors as sixty years of age and older is aligned with the age definition of older citizens in the federal Older Americans Act, which promotes the well-being of seniors. Your Committee additionally finds that the Elder Abuse Unit at the Honolulu Prosecutor's Office is nearing a point at which elder abuse cases have increased to almost double the number of felony domestic violence cases currently being prosecuted. Your Committee believes that increasing penalties as well as lowering the age to sixty years for certain criminal offenses against seniors will increase protection for our vital and vulnerable elder citizens.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2334 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2309 Judiciary on S.B. No. 1160

The purpose and intent of this measure is to establish applicable expert witness fees for testimony, preparation, per diem, and in-court attendance in state court criminal proceedings.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and Office of the Prosecuting Attorney of the County of Kaua'i.

Your Committee finds that current law establishes budgetary procedures for the reimbursement of expert witness but does not clearly delineate what constitutes allowable expenses for these witnesses. Clearly the testimony of expert witnesses is an important resource for a variety of criminal court proceedings and are needed by the prosecution to establish its case. Expert witness testimony can also be crucial to a defense against criminal allegations if the defense relies on a careful and correct consideration of complex facts or specialized practices. Limiting access to expert witness testimony through arbitrarily truncating trial expenses impedes the ability of the court to give criminal court cases the full and just consideration that those cases deserve. Accordingly, there is a need to clarify applicable statutory provisions relating to expert witness fees and per diem payments. Your Committee notes that according to testimony received during the hearing, an appropriation is not required for enactment of this measure.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1160 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2310 Judiciary on S.B. No. 2116

The purpose and intent of this measure is to appropriate supplemental funds for the operating and capital improvement costs of the Judiciary for the fiscal biennium beginning July 1, 2019 and ending June 30, 2021.

Your Committee received testimony in support of this measure from the Judiciary, Hawaii State Bar Association, Maui County Bar Association, Legal Aid Society of Hawaii, Volunteer Legal Services Hawai'i, and two individuals.

OPERATING BUDGET

Positions and Related Costs

Your Committee finds that the Judiciary has requested funding for fiscal year 2020-2021 for seven new permanent positions. These positions include a District Court Judge and three support staff for the Second Circuit and a Court Operations Specialist for the Courts of Appeal. Your Committee also finds that the Judiciary has requested the temporary-to-permanent position conversion for two Court Appointed Special Advocate social worker positions in the First Circuit. Your Committee approves of these requests.

Civil Legal Services

Your Committee additionally finds that the continuous funding of \$500,000 for civil legal services is necessary to provide much needed assistance to legal service organizations, including Volunteer Legal Services Hawai'i and the Legal Aid Society of Hawaii. Your Committee notes that this amount may not reflect the entire needs of these organizations. Your Committee also notes that this supplemental budget request is consistent with previous Judiciary budget acts.

CAPITAL IMPROVEMENT BUDGET

Your Committee finds that capital improvement project requirements remain an item of concern as the Judiciary's infrastructure continues to age and deteriorate, and as the population served and services provided by the Judiciary keep expanding. Your Committee approves funding to upgrade and modernize the fire alarm system and elevators of Ka'ahumanu Hale in the First Circuit, and renovation of and security improvements to the Ka'ahumanu Hale Sheriff Station. Your Committee also approves the Judiciary's request for funding for parking structure improvements to the Hoapili Hale in the Second Circuit and repairs to damages at the Pu'uhoonua Kaulike in the Fifth Circuit. Your Committee additionally approves of funding for improvements to Judiciary facilities statewide.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2116 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2311 Judiciary on S.B. No. 2117

The purpose and intent of this measure is to establish one additional district court judgeship in the District Court of the Second Circuit.

Your Committee received testimony in support of this measure from the Judiciary and Maui County Bar Association.

Your Committee finds that an additional Second Circuit District Court judgeship has not been established since 1982 and that, in such time, the number of people living within the area served by the Second Circuit has more than doubled. This has resulted in significant court congestion as well as an inability to adequately provide court services, including mental health and domestic and community violence issues, throughout the three islands served by the Second Circuit. The judgeship shortage has led to significant delays in cases and reduced the attention that the existing judges can give to the matters before the court. Your Committee believes that by providing an additional judgeship, this measure will increase the efficiency and availability of court services in the Second Circuit.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2117 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2312 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2048

The purpose and intent of this measure is to extend the voter registration deadline from thirty to fifteen days prior to each election.

Your Committee received testimony in support of this measure from the Office of Elections; Elections Division, Office of the County Clerk of the County of Kauai; Common Cause Hawaii; Pono Hawaii Initiative; and six individuals.

Your Committee finds that Act 136, Session Laws of Hawaii 2019, established procedures for the State to implement a vote-by-mail system for all elections beginning with the 2020 primary elections. Your Committee further finds that Hawaii has the lowest voter registration in the nation. This measure will provide the busy residents of Hawaii additional time to register to vote by extending the period in which residents of the State may register to vote.

Your Committee has amended this measure, as suggested by the Office of Elections, by:

- (1) Changing the fine for providing false information to \$10,000 to match class C felonies and fines for election offenses; and
- (2) Authorizing the clerk to continue sending ballot packages beyond the authorized deadlines if the clerk determines that there is reasonable time for a voter to receive and submit the ballot before the election.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2048, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2048, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 2313 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2137

The purpose and intent of this measure is to authorize election officials to establish additional voter service centers.

Your Committee received testimony in support of this measure from the Office of Elections; Elections Division, Office of the County Clerk of the County of Kauai; Office of the County Clerk of the County of Maui; Common Cause Hawaii; Pono Hawaii Initiative; and three individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that Act 136, Session Laws of Hawaii 2019, established the first vote-by-mail system for all elections held in the State beginning with the 2020 primary election. However, your Committee further finds that there are areas where no voter service center will be established due to an inability to obtain the necessary facilities or personnel to support the operation of a voter service center for ten business days. This measure will allow for flexible hours for additional voter service centers, thereby ensuring that all counties are provided equal opportunities to vote.

Your Committee has amended this measure by:

- (1) Clarifying that for a county with more than one island in its jurisdiction, there shall be at least one voter service center on each island; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2137, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2137, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 2314 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2120

The purpose and intent of this measure is to exclude certain county-issued cards and certificates from the definition of “gift certificate” or “certificate” for purposes of regulating gift certificates in the State.

Your Committee received testimony in support of this measure from the Department of Transportation Services of the City and County of Honolulu.

Your Committee finds that the City and County of Honolulu uses smart cards for public transit passengers to pay for fares. Using smart cards as a means of payment for public transportation eliminates the need for the public to purchase daily and monthly transit passes. Existing law subjects all county-issued cards, including smart cards, to regulations relating to gift certificates in the State. This measure will clarify that county-issued cards are not subject to regulation under the State’s unfair and deceptive practices act.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2120 and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 2315 Ways and Means on S.B. No. 2309

The purpose and intent of this measure is to make the state earned income tax credit refundable and permanent.

Your Committee received testimony in support of this measure from the Department of Human Services; AAUW of Hawaii; Aloha United Way; Americans for Democratic Action; Breastfeeding Hawaii; Catholic Charities Hawaii; Community Alliance on Prisons; HACBED; Hawaii Appleseed Center for Law and Economic Justice; Hawaii Children’s Action Network Speaks!; Hawaii Health and Harm Reduction Center; Hawaiian Community Assets and Hawaii Community Lending; ILWU Local 142; League of Women Voters Hawaii; LGBT Caucus of the Democratic Party of Hawaii; Planned Parenthood Votes Northwest and Hawaii; Pono Hawaii Initiative; and seven concerned individuals.

Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that making the earned income tax credit refundable will assist a greater number of working-class families with children to retain more of their income.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2309, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2309, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Moriwaki, Taniguchi, Fevella).

SCRep. 2316 Education on S.B. No. 2256

The purpose and intent of this measure is to authorize the Department of Education to provide incentives to enhance the recruitment and retention of public school teachers.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii Teacher Standards Board, State Public Charter School Commission, a member of the Maui County Council, Special Education Advisory Council, Democratic Party of Hawaii Education Caucus, and Kamehameha Schools.

Your Committee finds that our State continues to face a chronic teacher shortage. Hawaii teacher pay ranks last in the nation when adjusted for the cost of living. In the 2019-2020 school year, the Department of Education experienced a qualified teacher shortage of nine hundred seventy-three positions. The Department of Education continues to lose approximately fifty percent of new hires after five years, with the number of teachers exiting the profession increasing by more than eighty percent since 2010.

Your Committee has amended this measure to include public charter school teachers.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2256, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2256, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2317 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2091

The purpose and intent of this measure is to specify that certain offenses that occur on a public transit vehicle or at or within a public transit facility are class C felonies.

Your Committee received testimony in support of this measure from the Department of Transportation Services of the City and County of Honolulu. Your Committee received testimony in opposition to this measure from the Honolulu Police Department and one individual.

Your Committee finds that enhanced penalties are appropriate and necessary for certain offenses occurring on a public transit vehicle, or at or within a public transit facility, to protect users of public transit services. Your Committee further finds that since 2017, there have been six hundred eighteen incidents of crimes that were reported on Honolulu's buses, with two hundred seventy-five events reported to or involved the Honolulu Police Department, and fifty-two involving an arrest. Your Committee believes that it is essential to ensure that public transit vehicles and facilities are safe and secure. This measure will protect public transit riders by establishing that certain offenses are now class C felonies when occurring on transit vehicles or transit public places.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2091, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2091, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Baker).

SCRep. 2318 (Joint) Public Safety, Intergovernmental, and Military Affairs and Housing on S.B. No. 2053

The purpose and intent of this measure is to require a county to approve, approve with modification, or disapprove an application for a permit for a housing development project that uses moneys from the rental housing revolving fund within thirty days.

Your Committees received testimony in support of this measure from one member of the Maui County Council; National Association of Industrial and Office Properties, Hawaii Chapter; and Building Industry Association of Hawaii. Your Committees received testimony in opposition to this measure from the Office of Hawaiian Affairs, Department of Planning and Permitting of the City and County of Honolulu, Young Progressives Demanding Action, Sierra Club of Hawai'i, Pono Hawaii Initiative, and one individual. Your Committees received comments on this measure from the Hawaii Housing Finance and Development Corporation, one member of the Maui County Council, and Chamber of Commerce Hawaii.

Your Committees find that there is an insufficient amount of affordable housing available in the State, leading to several residents leaving Hawaii in search of more affordable living situations. Your Committees further find that one of the largest obstacles to the development of affordable housing is the permitting delays for developers to begin their affordable housing projects. Streamlining the development of affordable housing by instituting an automatic approval under certain circumstances will expedite the construction and development of affordable housing for residents of the State.

Your Committees have amended this measure by:

- (1) Specifying that a county shall approve, approve with modification, or disapprove an application for discretionary permits, rather than all permits, for certain development, pre-development, construction, or substantial rehabilitation projects;
- (2) Changing the amount of time a county is required to approve, approve with modification, or disapprove an application from thirty days to forty-five days;
- (3) Deleting language that would have exempted certain development, pre-development, construction, or substantial rehabilitation from environmental impact statement requirements; and
- (4) Making conforming amendments.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2053, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2053, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).
Housing: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2319 (Joint) Public Safety, Intergovernmental, and Military Affairs and Housing on S.B. No. 2172

The purpose and intent of this measure is to authorize each county legislative body to review and approve land use district boundary amendments for affordable housing projects on fifteen acres or less.

Your Committees received testimony in support of this measure from the Office of the Mayor of the County of Hawaii; Office of Housing and Community Development of the County of Hawaii; one member of the Kauai County Council; one member of the Hawaii County Council; one member of the Maui County Council; Hawaii Island Community Development Corporation; Hawaii Island Housing Coalition; Habitat for Humanity Hawaii Island, Inc; Building Industry Association Hawaii; Chamber of Commerce Hawaii; and one individual. Your Committees received testimony in opposition to this measure from the Land Use Commission, Pono Hawaii Initiative, and Young Progressives Demanding Action. Your Committees received comments on this measure from the Department of Agriculture, Hawaii Housing Finance and Development Corporation, and Office of Planning.

Your Committees find that there is an overwhelming need for affordable housing in the State and it is essential that affordable housing projects are approved in a timely manner. Your Committees believe that authorizing the counties, instead of the Land Use Commission, to approve district boundary amendments for affordable housing projects in land areas of fifteen acres or less will expedite governmental approvals, save time and money, and create a new incentive for affordable housing development.

Your Committees have amended this measure by:

- (1) Authorizing, rather than requiring, a county legislative body to approve a district boundary amendment for a housing project involving a land area of fifteen acres or less;
- (2) Clarifying that the land area of fifteen acres or less is contiguous to urban lands or in the urban growth boundary;
- (3) Exempting conservation lands and important agricultural lands from being approved by a county legislative body for any boundary change;
- (4) Reinstating language that requires the Land Use Commission to approve, approve with modification, or disapprove a boundary change within forty-five days after the Hawaii Housing Finance and Development Corporation submits a boundary change petition; and
- (5) Clarifying that the Land Use Commission shall approve, approve with modification, or disapprove a boundary change within forty-five days for projects greater than fifteen acres.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2172, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2172, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

Housing: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2320 (Joint) Public Safety, Intergovernmental, and Military Affairs and Human Services on S.B. No. 2345

The purpose and intent of this measure is to require the Department of Human Services to work with the Department of Public Safety to establish a pilot visitation and family resource center at Waiawa correctional facility.

Your Committees received testimony in support of this measure from the Department of Public Safety, Department of Human Services, Office of Youth Services, Office of the Public Defender, Hawaii Youth Services Network, Early Childhood Action Strategy, Community Alliance on Prisons, Blueprint for Change, Hawaii Children's Action Network, American Civil Liberties Union of Hawaii, Adult Friends for Youth, and twelve individuals.

Your Committees find that children of incarcerated parents are some of the nation's most vulnerable and marginalized populations and are more likely to be incarcerated themselves as teenagers or adults. Approximately four thousand children a year are affected by parental incarceration. Your Committees further find that parental incarceration is noted as a strong risk factor and determinant for many adverse outcomes for children, including antisocial and violent behavior, mental health problems, failure to graduate from school, and employment. Your Committees note that opportunities for incarcerated parents to have meaningful in-person contact visits with their children are increasingly being restricted. This measure will help families with an incarcerated member by establishing a place for family visitation at Waiawa correctional facility.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2345 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

Human Services: Ayes, 4. Noes, none. Excused, 1 (Ihara).

SCRep. 2321 Ways and Means on S.B. No. 2294

The purpose and intent of this measure is to amend the allowable income thresholds of the tax credit for expenses for household and dependent care services necessary for gainful employment.

Your Committee received testimony in support of this measure from the Hawaii Appleseed Center for Law and Economic Justice and Hawaii Children's Action Network Speaks!

Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that adjusting the income tax brackets of this tax credit will allow families to claim a more equitable portion of their expenses as a tax credit and thereby continue to pay for child, senior, and other dependent care and thus remain engaged in the workforce.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2294, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2294, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Moriwaki, Taniguchi, Fevella).

SCRep. 2322 Human Services on S.B. No. 2335

The purpose and intent of this measure is to appropriate funds for the healthy aging partnership program to further the program's role in improving the health and well-being of Hawaii's kupuna.

Your Committee received testimony in support of this measure from the Executive Office on Aging, Policy Advisory Board for Elder Affairs, Maui County Office on Aging, International Longshore and Warehouse Union Local 142, Hawaii Family Caregiver Coalition, Hawaii Primary Care Association, AARP Hawaii, Kokua Council, and four individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that the Hawaii healthy aging partnership program was established in 2003 to improve the health status of older adults by empowering residents to make healthy decisions and engage in healthier lifestyles. Since its formation, the healthy aging partnership program has successfully adapted evidence-based health promotion programs and disease prevention programs for the multicultural population in Hawaii. Participants may engage in two evidenced-based interventions. First, better choices better health – ke ola pono, also known nationwide as the chronic disease self-management program, is an evidence-based program where individuals with chronic or ongoing medical conditions can learn how to effectively manage their health conditions to improve their quality of life. The second intervention is EnhanceFitness, which is an effective, research-driven exercise program to improve the overall functional fitness and well-being of older adults. Because of the many accomplishments of the healthy aging partnership program, the program received the 2013 multicultural aging award from the American Society on Aging. This accomplishment brought further recognition to the program's role in improving the health of Hawaii's diverse aging population.

Your Committee further finds that the healthy aging partnership program received funding for fiscal year 2017-2018 through Act 103, Session Laws of Hawaii 2017. The program did not receive funding for fiscal year 2018-2019 but received funding for fiscal year 2019-2020 through Act 124, Session Laws of Hawaii 2019. Without continued funding, the program will have to close and the Executive Office on Aging will not be able to meet the first goal of the Hawaii state plan on aging, which strives to maximize opportunities for older adults to age well, remain active, and enjoy life in their communities.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2335 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2323 Human Services on S.B. No. 2102

The purpose and intent of this measure is to release appropriated funds for one full-time equivalent Alzheimer's disease and related dementia services coordinator position in the Chronic Disease prevention and Health Promotion Division of the Department of Health.

Your Committee received testimony in support of this measure from the Policy Advisory Board for Elder Affairs; Maui County Office on Aging; Alzheimer's Association, Aloha Chapter; Kokua Council, and twenty-nine individuals. Your Committee received comments on this measure from the Executive Office on Aging.

Your Committee finds that Alzheimer's disease and dementia are chronic health conditions that gravely impact the residents of Hawaii. There are twenty-nine thousand people in Hawaii who are at least sixty-five years old and suffering from Alzheimer's disease with an estimated 20.7 percent increase by 2025.

Your Committee notes that the position of Alzheimer's Disease and Related Dementia coordinator was established within the executive office on Aging by Act 214, Session Laws of Hawaii 2013. The *Hawaii 2025: State Plan on Alzheimer's Disease and Related Dementia* identified strategies required to address the multifaceted issues associated with this disease; however, the services and activities require leadership and coordination at a systemic level. Your Committee also finds this measure releases funds appropriated for a dedicated position to help implement and update the Alzheimer's Disease and Related Dementia state plan.

Your Committee has amended this measure by:

- (1) Deleting the word "permanent", from line 7 to read, "2020-2021 for the one full-time equivalent (1.0 FTE)"; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee recommends that the Committee on Ways and Means determine whether the effective date of this measure is appropriate for its implementation.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2102, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2102, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2324 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2128

The purpose and intent of this measure is to require builders of new one- and two-family dwellings to provide buyers with information on the benefits and costs associated with installing and maintaining a residential fire sprinkler system.

Your Committee received testimony in support of this measure from the Hawaii State Fire Council and Honolulu Fire Department. Your Committee received testimony in opposition to this measure from the Department of Commerce and Consumer Affairs, Building Industry Association Hawaii, Chamber of Commerce Hawaii, and one individual.

Your Committee finds that automatic fire sprinkler systems have a proven record of significantly reducing damage to real and personal property, injuries, and deaths due to residential fires. Your Committee further finds that new dwellings are especially susceptible to residential fires due to engineered lumber burning and collapsing much faster than traditional wood. The installation of smoke detectors and fire sprinklers can reduce the risk of fire-related deaths by eighty-two percent. However, many new buyers of dwellings are not privy to the benefits of residential fire sprinkler systems. This measure will ensure that buyers of new one- or two-family residential dwellings are cognizant of the benefits of installing fire sprinkler systems by requiring builders to provide such information to each buyer.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2128 and recommends that it pass Second Reading and be referred to your Committees on Commerce, Consumer Protection, and Health and Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

SCRep. 2325 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2180

The purpose and intent of this measure is to establish a comprehensive process for the consideration of executive pardons.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu. Your Committee received comments on this measure from the Hawaii Paroling Authority.

Your Committee finds that county prosecutors and crime victims in Hawaii do not receive advance notice of applications for executive pardons and are only notified when pardons are granted. This creates a situation where neither prosecutors nor the victims are able to provide any input for the Governor's consideration, as they do for furlough and parole prior to an offender's conviction or sentencing. Under existing law, only the Department of Public Safety is mandated to consider every application for pardon, which is referred by the Governor. Your Committee further finds that there is very little guidance or requirements regarding the process before a pardon is granted. This measure will establish a consistent and reliable means for prosecutors and victims to be able to provide meaningful input on all applications for pardon so that the Governor can make more informed decisions.

Your Committee has amended this measure by:

- (1) Changing language that requires the Attorney General, Director of Public Safety, and Hawaii Paroling Authority to investigate every application for pardon referred by the Governor only if requested rather than if necessary; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2180, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2180, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Baker).

SCRep. 2326 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2184

The purpose and intent of this measure is to clarify and modify existing law regarding eyewitness identification procedures.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui, and Honolulu Police Department. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that mistakes in eyewitness identification contribute to a significant majority of wrongful conviction that are later overturned by DNA evidence. More accurate eyewitness identifications increase the ability of police and prosecutors to solve crimes, convict the guilty, and protect the innocent. In order to provide for a more accurate eyewitness identification procedure, the Legislature passed Act 281, Session Laws of Hawaii 2019 (Act 281), which created procedural and administrative requirements for law enforcement agencies pertaining to eyewitness identifications of suspects in criminal investigations. However, your Committee also finds that Act 281 imposed new requirements some of which created undue burden for law enforcement. This measure will clarify Act 281 by providing flexibility in eyewitness identification procedures.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2184 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Baker).

SCRep. 2327 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2130

The purpose and intent of this measure is to repeal the requirement that the state fire code be adopted after public hearings and instead require that the fire code be adopted after meetings with pertinent stakeholders.

Your Committee received testimony in support of this measure from the Hawaii State Fire Council and Honolulu Fire Department. Your Committee received testimony in opposition to this measure from the Building Industry Association.

Your Committee finds that under existing law, the state fire code is required to hold public hearings, involving costs of approximately \$2,000 to post public notices in the five different news publications in the State, in addition to various steps in the administrative rule process. Your Committee further finds that the state fire code is among the codes and standards that compose the state building code. However, the fire code is the only building code that is required to hold public hearings, while other codes such as residential, plumbing, energy, and electrical codes are adopted by the State Building Code Council after a meeting with pertinent stakeholders. This measure will align the adoption of the state fire code with the requirements and procedures established for the adoption of all other building codes.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2130 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

SCRep. 2328 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2131

The purpose and intent of this measure is to establish an income tax credit for the installation of fire sprinklers in new one- or two-family dwelling units of a building used for residential purposes.

Your Committee received testimony in support of this measure from the Hawaii State Fire Council, Honolulu Fire Department, Hawaii Fire Department, Kauai Fire Department, and Maui Fire Department. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Taxation, Building Industry Association Hawaii, Tax Foundation of Hawaii, and Chamber of Commerce Hawaii.

Your Committee finds that according to the National Fire Protection Association's latest data, ninety-two percent of civilian fire deaths resulted from residential structure fires and eight out of ten deaths caused by fire occur in residential dwellings. Your Committee further finds that automatic fire sprinkler systems are effective at reducing death, injury, and property damage that is caused by fire. However, despite its effectiveness, few one- or two-family dwellings in the State have automatic fire sprinkler systems installed. The high costs of installation are a significant factor leading to the lack of fire sprinklers in residential dwellings throughout the State. This measure will provide a tax credit to mitigate the cost involved in installing automatic fire sprinkler systems.

Your Committee has amended this measure by:

- (1) Changing the tax credit amount from being thirty percent of the actual cost of the system to a blank amount;
- (2) Deleting language relating to reduction of the basis of eligible property for depreciation or accelerated cost recover system purposes by the amount of credit allowable and claimed and disallowing other deductions for the same qualified costs for which a credit is claimed;
- (3) Making this measure apply to taxable years beginning after December 31, 2020; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2131, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2131, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

SCRep. 2329 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2304

The purpose and intent of this measure is to authorize family court judges to withhold any record of a denied temporary restraining order or denied protective order from public inspection, under certain circumstances.

Your Committee received testimony in support of this measure from the Domestic Violence Action Center and three individuals. Your Committee received comments on this measure from the Judiciary and Civil Beat.

Your Committee finds that there is no existing law that protects a victim of domestic abuse who sought protection from their abuser by applying for a temporary restraining order from any retaliatory acts, such as counter-petitions for restraining orders. Your Committee notes that it is not uncommon to find cases where offenders fabricate and file counter-petitions for a restraining order as an act of harassment or retaliation. Your Committee further finds that once a counter-petition is filed, the counter-petition becomes part of the public record for the victim. This can negatively impact domestic abuse victims with respect to potential employment and housing prospects. This measure will add protection for victims of false counter-petitions for a restraining order by withholding from public inspection any record of a denied restraining order.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2304 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Baker).

SCRep. 2330 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2315

The purpose and intent of this measure is to extend the deadline for each county police department to adopt and utilize an electronic tracking system for sexual assault evidence collection kits.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Hawaii State Commission on the Status of Women, Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Hawaii, Honolulu Police Department, Hawaii Police Department, Sex Abuse Treatment Center at Kapiolani, and one individual.

Your Committee finds that Act 113, Session Laws of Hawaii 2018 (Act 113), requires each county police department to establish an electronic tracking system for sexual assault evidence collection kits no later than January 1, 2020. The tracking system ensures that the kits are properly accounted for so that victims may follow up on the testing of their kits. Your Committee further finds that the county police departments have been working with the Portland Police Department to implement the sexual assault management tracking system. However, due to various operational and technical issues, the county police departments were unable to implement the electronic tracking system. Currently, the county police departments are in the midst of implementing a simplified version of the tracking system in order to meet the requirements of Act 113. This measure will extend the deadline for the county police departments to adopt the electronic tracking system, thereby ensuring the integrity of all sexual assault evidence collection kits.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2315 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Baker).

SCRep. 2331 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2638

The purpose and intent of this measure is to:

- (1) Amend the offense of abuse of family or household members to provide for misdemeanor and petty misdemeanor penalties;
- (2) Authorize a deferred acceptance of guilty or no contest plea in misdemeanor and petty misdemeanor abuse penalty cases under certain conditions; and
- (3) Require the Judiciary to submit annual reports on the number and outcome of abuse of family or household member cases.

Your Committee received testimony in support of this measure from the Judiciary, Office of the Public Defender, Hawaii State Commission on the Status of Women, Domestic Violence Action Center, Planned Parenthood Votes Northwest and Hawaii, AAUW of Hawaii, and four individuals. Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, and two individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that varied approaches to intervention are needed for domestic violence as instances of domestic violence fall on a broad spectrum of severity. Your Committee further finds that existing domestic violence laws are often not inclusive enough to encompass the entirety of the spectrum. There are occasional instances in which the level of force utilized by the perpetrator is not sufficient to meet the criteria of abuse of family or household member. This measure will create a pilot program to expand the offense of abuse of family or household members to include petty misdemeanor, receive a deferred acceptance of guilty plea under certain circumstances, and require agencies involved to collect and report data relating to domestic violence.

Your Committee has heard concerns in testimony regarding the possibility of this measure setting up barriers for offenders by requiring an offender to complete any available domestic violence intervention program rather than a batterer intervention program. According to testimony, domestic violence intervention programs contracted by the State last roughly six months, giving the offender only four to five months of actual counseling after administrative work is done. This is an insufficient amount of time to fully address the various complex issues of why batterers resort to violence. A batterer intervention program may be more effective for batterers as these programs work with batterers' resistance and accountability to change batterers' violent belief systems and address other complex issues that lead to domestic violence. Your Committee also notes the concern that labeling domestic violence as a petty misdemeanor potentially sends the wrong message to victims in regard to the severity of the crime. It is not your Committee's intent to downplay the severity of domestic violence, and your Committee believes this measure will assist victims by providing various options of holding offenders accountable.

Your Committee has amended this measure by:

- (1) Deleting language that would have authorized the court to amend the defendant's sentence to the maximum term of incarceration and set aside a deferred acceptance of guilty plea or no contest plea under certain circumstances and instead requires that the court revoke the defendant's probation, or set aside the defendant's deferred acceptance of guilty plea and enter an adjudication of guilt and resentence the defendant to the maximum term under certain circumstances; and
- (2) Making a technical, nonsubstantive amendment to correctly reflect the language in the Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2638, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2638, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Baker).

SCRep. 2332 Water and Land on S.B. No. 2028

The purpose and intent of this measure is to:

- (1) Require the Department of Land and Natural Resources to establish a two-year pilot program to install sunscreen dispensers at Hanauma Bay and Waikiki beaches to provide sunscreens without oxybenzone or octinoxate to visitors and educate visitors on the harmful effects of oxybenzone and octinoxate on the marine environment; and
- (2) Appropriate funds for the pilot program.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Department of Health, one member of the Maui County Council, Friends of Hanauma Bay, Fair Wind Cruises, and three individuals. Your Committee received testimony in opposition to this measure from the City and County of Honolulu Department of Parks and Recreation.

Your Committee finds that two chemicals contained in many sunscreens, oxybenzone and octinoxate, have significant harmful impacts on Hawaii's marine environment and residing ecosystems, including coral reefs that protect Hawaii's shoreline. Act 104, Session Laws of Hawaii 2018, bans the sale, offer of sale, and distribution in the State of any sunscreen, excluding facial cosmetics, that contains oxybenzone or octinoxate, without a prescription, beginning January 1, 2021.

Your Committee further finds that visitors to Hawaii may be unaware of the harmful impacts of oxybenzone and octinoxate and may also be unfamiliar with sunscreen products that do not contain these chemicals. This measure establishes a two-year pilot program at Hanauma Bay beach and Waikiki beach to provide sunscreen without oxybenzone and octinoxate to visitors and educate visitors on the harmful effects of oxybenzone and octinoxate on the marine environment. Your Committee learned through testimony that a plan to provide visitors to Hanauma Bay with sunscreen without oxybenzone and octinoxate has already been implemented by the City and County of Honolulu.

Therefore, your Committee has amended this measure by:

- (1) Deleting Hanauma Bay beach from section 2 of this measure, which would have established the two-year pilot program at Hanauma Bay beach, replacing Hanauma Bay beach with Pupukea beach park, Wailea beach, and Honolulu Bay beach, and making conforming amendments;
- (2) Inserting appropriate appropriation language;
- (3) Inserting an effective date of December 31, 2033, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2028, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2028, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Nishihara).

SCRep. 2333 Water and Land on S.B. No. 2061

The purpose and intent of this measure is to:

- (1) Establish the no child left inside grant program for the awarding of grants promoting outdoor education and recreation programs; and
- (2) Establish the no child left inside grant program special fund.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that outdoor education and recreation has beneficial effects on the health, well-being, and academic success of children. Recent and emerging research indicate that children are increasingly disconnected from nature. This measure will establish the no child left behind grant program, which will provide resources and support for agencies, organizations, and individuals to offer programs to children that allow them to connect to the outdoors.

Your Committee has amended this measure by inserting an effective date of December 31, 2033, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2061, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2061, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Nishihara).

SCRep. 2334 Water and Land on S.B. No. 2077

The purpose and intent of this measure is to:

- (1) Establish a tree planting program in the State; and
- (2) Appropriate funds.

Your Committee received testimony in support of this measure from the Office of Planning, Department of Land and Natural Resources Aha Moku Advisory Committee, Sierra Club of Hawai'i, Americans for Democratic Action, Life of the Land, and Trees for Honolulu's Future. The Department of Land and Natural Resources submitted comments.

Your Committee finds that since western contact, Hawaii has lost nearly half of its native forest cover and the State's forests continue to be reduced by invasive species and wildfires. In recent years, Hawaii's cities have also experienced a dramatic decline in their urban tree cover, with Honolulu seeing a five per cent decline of its urban tree cover in less than a four-year period. This measure will establish a Hawaii tree planting program which will expand the urban, peri-urban, and rural tree canopies throughout the State.

Your Committee has amended this measure by:

- (1) Removing the sunset date and inserting a blank date;
- (2) Inserting appropriate appropriation language; and
- (3) Inserting an effective date of December 31, 2033, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2077, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2077, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Nishihara).

SCRep. 2335 Water and Land on S.B. No. 2356

The purpose and intent of this measure is to increase the amount available for conservation by removing the monetary cap for the amount of conveyance taxes collected that can be paid into the land conservation fund.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; The Trust for Public Land; Coastal Planners, LLC; and one individual. Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that greater funding needs to be made available for the public purpose of purchasing and protecting forever, land that shelters exceptional, unique, and threatened resources. In 2015, the legislature set a \$6,800,000 cap on the amount of conveyance taxes paid into the Land Conservation Fund. In the face of escalating real estate prices and persistent development pressure, this funding mechanism for land conservation continues to lose pace with market values and public demand, resulting in deferred and missed opportunities for many worthy and time-sensitive land acquisitions. This measure will remove the monetary cap on collections and allow for more funding for land acquisition and conservation.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2356 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Riviere).

SCRep. 2336 Water and Land on S.B. No. 2622

The purpose and intent of this measure is to appropriate funds to the Department of Land and Natural Resources Division of Forestry and Wildlife for invasive species technician positions in the county of Hawaii to address invasive plants and animals.

Your Committee received testimony in support of this measure from Department of Land and Natural Resources, Department of Agriculture, County of Hawai'i, Coral Fish Hawaii, Big Island Invasive Species Committee, and the Hawai'i Farm Bureau.

Your Committee finds that the invasion of Hawaii by insects, disease-bearing organisms, snakes, weeds, and other pests is the single greatest threat to Hawaii's economy and natural environment and to the health and lifestyle of Hawaii's people. Your Committee further finds that despite many successes, mitigation of invasive species threats and impacts is an ongoing process that requires resources. This measure will establish invasive species technician positions in the county of Hawaii, which will mitigate the impact of invasive species on the island and will help protect the island's environment and overall health, culture, and economy.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 31, 2033, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2622, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2622, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Riviere).

SCRep. 2337 Water and Land on S.B. No. 2536

The purpose and intent of this measure is to:

- (1) Prohibit the abandonment of lay nets used for fishing;

- (2) Authorize the Department of Land and Natural Resources to issue permits for the use and possession of lay nets; and
- (3) Require the Department of Land and Natural Resources to establish a comprehensive, statewide lay net education and enforcement program.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Coral Fish Hawaii, and three individuals.

Your Committee finds that the Department of Land and Natural Resources regulates lay net fishing through detailed restrictions on net dimensions, mesh size, soak time, time of day, frequency between sets, location, water depth, and inspection requirements. Your Committee further finds that all lay nets are required to be registered with the Department and marked with identification tags and surface buoys. However, your Committee additionally finds that despite these detailed regulations, which are intended to ensure responsible use of lay nets, the irresponsible use of lay nets continues with adverse impacts to fishery resources and protected species. This measure will make the abandonment of lay nets unlawful, allow the Department of Land and Natural Resources to issue permits for the use of lay nets, and establish a lay net education program which will curb the irresponsible use of lay nets in Hawaii.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2536 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Riviere).

SCRep. 2338 Ways and Means on S.B. No. 840

The purpose and intent of this measure is to promote greater accountability within the election system by removing barriers to criminal prosecution of election law violations.

Specifically, the measure:

- (1) Allows the Elections Commission to refer a complaint to the Attorney General or a county prosecutor in addition to any administrative determination and without the requirement that the Commission believes the respondent recklessly, knowingly, or intentionally committed a violation;
- (2) Disqualifies a person convicted of a specified criminal elections law offense from holding elective public office for ten years, rather than four; and
- (3) Repeals language providing that criminal prosecution of specified elections laws shall not apply to any person who has paid or agreed to pay fines related to report filing violations and advertisement violations prior to the commencement of criminal proceedings.

Your Committee received written comments in support of this measure from the Campaign Spending Commission, Common Cause Hawaii, and one individual.

Your Committee finds that removing barriers to criminal prosecution of election law violations will aid in enforcement of those laws and deter violators.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 840 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Kahele, Moriwaki, Taniguchi).

SCRep. 2339 Education on S.B. No. 2295

The purpose and intent of this measure is to require the Department of Education to implement a service-learning curriculum to develop student character, values, self-esteem, civic responsibility, and an understanding of local community issues and concerns through performance of community service volunteer work.

Your Committee received testimony in support of this measure from a private individual. The Department of Education provided comments.

Your Committee has amended this measure by changing the effective date to July 1, 2050 to encourage further discussion around the need for curriculum within the Department of Education to encourage the building of life skills like civic engagement and developing self-esteem for our students.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2295, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2295, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kanuha).

SCRep. 2340 Education on S.B. No. 2271

The purpose and intent of this measure is to:

- (1) Require Department of Education school football programs to ensure that each non-new football helmet used in a football program is reconditioned and recertified at least once every two years;

- (2) Establish fines and other penalties for failure to properly recertify football helmets; and
- (3) Establish the football helmet recertification special fund.

Your Committee received testimony in support of this measure from a private individual. Your Committee received comments on this measure from the Department of Education and Department of Budget and Finance.

Your Committee finds that the increasing frequency and severity of concussions in school athletics has become a matter of pressing public concern. One means of managing these risks is to ensure the proper maintenance of football helmets and other athletic safety equipment, whether provided by the school or privately purchased by parents and others.

Your Committee has amended this measure by:

- (1) Deleting the requirement that referees determine whether helmets have been properly recertified;
- (2) Deleting the imposition of fines for violations of the provisions of this measure;
- (3) Deleting language establishing the Football Helmet Recertification Special Fund;
- (4) Inserting language placing the responsibility for the recertification of privately purchased helmets and other athletic equipment used by students with the Department of Education; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2271, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2271, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kanuha).

SCRep. 2341 Education on S.B. No. 2263

The purpose and intent of this measure is to broaden the scope of profit-making activities pupils can engage in at schools to include commercial enterprises.

Your Committee received testimony in support of this measure from the Department of Education.

Your Committee finds that this measure will enhance the rigor and relevance of work-based learning throughout the P-20 continuum as students engage in comprehensive, real-world immersive experiences particularly in the areas of entrepreneurship and strategic commercial enterprise.

Your Committee has amended this measure to clarify that students engaged in profit-making activities may receive either school credit or compensation.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2263, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2263, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kanuha).

SCRep. 2342 Education on S.B. No. 2261

The purpose and intent of this measure is to:

- (1) Provide an income tax exclusion for certain public school teachers who earn \$60,000 or less per year; and
- (2) Define eligible teachers as school teachers, special education teachers, school librarians and school counselors employed by the DOE or a charter school.

Your Committee received testimony in support of this measure from the Department of Taxation, State Public Charter School Commission, an individual member of Maui County Council, Hawaii Teacher Standards Board, Democratic Party of Hawaii Education Caucus, Hawaii State Teachers Association, and Kamehameha Schools.

Your Committee received comments on this measure from the Office of the Auditor, Hawaii Government Employees Association, and Tax Foundation of Hawaii.

Your Committee finds that research has shown time and time again that a quality teacher is essential to quality student learning. Approximately ten percent of the State's teachers switch schools, relocate, or leave the profession each year. Only fifty to sixty percent of current teachers have been at their school for five years or more. Chronic teacher turnover has led to more than 1,000 teacher vacancies throughout the State year after year, forcing the Department of Education to rely on unlicensed teachers such as emergency hires and substitute teachers to provide classroom instruction. This measure is part of the ongoing effort to address the chronic teacher shortage.

Your Committee further finds that that the Office of the Auditor will evaluate the tax exclusion for effectiveness based on any correlating increase in the retention or attracting of highly-qualified teachers. Your Committee directs the Department of Taxation and Department of Education to provide the Office of the Auditor with any information they may need to determine whether or not the tax exclusion is fulfilling its intended purposes.

Your Committee has amended this measure by:

- (1) Amending “taxpayer” to “person”;
- (2) Clarifying that the tax exclusion is only for an eligible teacher as that term is defined in the measure; and
- (3) Restricting eligibility for the tax exclusion at a maximum of \$120,000 per household if filing jointly with only one eligible teacher.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2261, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2261, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kanuha).

SCRep. 2343 Transportation on S.B. No. 2005

The purpose and intent of this measure is to institute automatic voter registration, such that any person who is eligible to vote but is not already registered, is automatically registered to vote when that person applies for a new or renewal motor vehicle driver’s license, provisional license, or instruction permit, or a new, renewal, or duplicate identification card.

Your Committee received testimony in support of this measure from the Department of Transportation; Office of Elections; County of Hawaii Elections, Office of the County Clerk, County of Maui; Office of the County Clerk of Kauai; Hawaii Government Employees Association; League of Women Voters of Hawaii; LGBT Caucus of the Democratic Party of Hawaii; Community Alliance on Prisons; Life of the Land; Common Cause Hawaii; Automatic Voter Registration Hawaii; Americans for Democratic Action; Young Progressives Demanding Action; Hawaii Children’s Action Network; Indivisible Hawai’i; Pride@Work – Hawaii; AAUW of Hawaii; Breastfeeding Hawaii; Planned Parenthood Votes Northwest and Hawaii; Indivisible Windward; Hawai’i Alliance of Nonprofit Organizations; Hawaii Appleseed Center for Law & Economic Justice; Pono Hawai’i Initiative; American Civil Liberties Union of Hawaii; Hawai’i Health & Harm Reduction Center; Hawaii Women’s Coalition; Midwives Alliance of Hawaii; We Are One, Inc.; and thirty-six individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that voter turnout in Hawaii has steadily declined over the last fifty years. Your Committee further finds that many eligible voters do not register to vote because they are simply busy with work and life. This measure will maximize registration of eligible voters, provide a convenient way to register, and provide an opportunity to decline to vote.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2005 and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Harimoto).

SCRep. 2344 Transportation on S.B. No. 2260

The purpose and intent of this measure is to repeal the minimum age at which a minor may obtain a state civil identification card.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Department of Transportation.

Your Committee finds that currently, persons under the age of ten cannot obtain a state civil identification card. This measure will eliminate this requirement and allow children younger than ten years old to obtain a state civil identification card.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2260 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Harimoto).

SCRep. 2345 Transportation on S.B. No. 2649

The purpose and intent of this measure is to improve tour aircraft safety by requiring that tour aircraft permit seekers have aircraft that are outfitted with Federal Aviation Approved safety devices.

Your Committee received testimony in support of this measure from Stop Disrespectful Air Tourism!, Oahu Tour Helicopter Safety and Noise Interaction Group, Pearl City Neighborhood Board, Hawaii Kai Neighborhood Board #1, Kailua Neighborhood Board #31, and seven individuals. Your Committee received testimony in opposition to this measure from the Hawaii Helicopter Association

Your Committee finds that in 2019 alone, there were two helicopter crashes in the State of Hawaii resulting in ten fatalities. Your Committee further finds given the geographic and weather conditions in Hawaii, certified instrument flight technology and flotation devices are integral safety devices for tour helicopter. This measure would require tour aircraft to be outfitted with those safety devices before being granted permits to operate.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2649 and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Harimoto).

SCRep. 2346 (Majority) Housing on S.B. No. 2043

The purpose and intent of this measure is to authorize the Hawaii Housing Finance and Development Corporation to develop and sell ninety-nine year leasehold units in condominiums that have been developed on state lands set aside to the Hawaii Housing Finance and Development Corporation by the Governor, leased to the Hawaii Housing Finance and Development Corporation by any state department or agency, or to which the Hawaii Housing Finance and Development Corporation already holds title.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, Hawaii Public Housing Authority, Hawaii Community Development Association, and Building Industry Association of Hawaii. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources and Office of Hawaiian Affairs.

Your Committee finds that currently the Hawaii Housing Finance and Development Corporation does not have the authority to enter into leasehold agreements for condominiums created pursuant to Hawaii's condominium laws. This measure would allow the Hawaii Housing Finance and Development Corporation to provide affordable homeownership opportunities to qualified residents without selling state land in fee simple.

Your Committee notes that the Hawaii Public Housing Authority requested to also participate in selling ninety-nine year leaseholds. Your Committee further finds that the Hawaii Housing Finance and Development Corporation, pursuant to section 201H-9(c), Hawaii Revised Statutes, and the Hawaii Public Housing Authority, pursuant to section 356D-4, Hawaii Revised Statutes, have the authority to sell or otherwise dispose of property to any person or government. Your Committee notes that this bill is not intended to bypass legislative approval for the sale of public lands pursuant to Chapter 171, Hawaii Revised Statutes. Your Committee also recognizes that the State has a fiduciary obligation to uphold the interests of native Hawaiians in public land trust lands that may be developed under this measure, as well as the State's responsibilities to the Department of Hawaiian Home Lands and its native Hawaiian beneficiaries. Your Committee finally notes that the leasehold units sold pursuant to this measure are intended to be sold to individuals or families and not to developers.

Therefore, your Committee has amended this measure by:

- (1) Adding a provision that would allow the Hawaii Public Housing Authority to sell ninety-nine year leasehold condominium units;
- (2) Adding provisions that would require the Hawaii Housing Finance and Development Corporation to follow the rules set forth in Chapter 171, Hawaii Revised Statutes, were it to dispose of real property; and
- (3) Adding a provision which would provide for the transfer of a certain percentage or number of leasehold condominium units to the Department of Hawaiian Home Lands or to the Office of Hawaiian Affairs.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2043, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2043, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Thielen). Noes, 1 (Fevella). Excused, none.

SCRep. 2347 Housing on S.B. No. 2042

The purpose and intent of this measure is to seek to improve the State's low percentage of home ownership by requiring the Hawaii Public Housing Authority to establish a rent-to-own housing pilot program with voluntary participation.

Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Hawaii Public Housing Authority.

Your Committee finds that, according to testimony from the Hawaii Public Housing Authority, due to the limited current stock of public housing units, the rent-to-own pilot program would be more feasible if the program were to apply only to new housing units and not to existing public housing.

Accordingly, your Committee has amended this measure by clarifying that the rent-to-own pilot program will be applied to new housing units only.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2042, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2042, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2348 (Majority) Housing on S.B. No. 2046

The purpose and intent of this measure is to propose an amendment to the Constitution of the State of Hawaii to require the State to produce enough housing to meet housing demand.

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawaii; Building Industry Association of Hawaii; Rainbow Family 808.Com, Inc.; and one individual. Your Committee received comments on this measure from the Hawaii Housing Finance and Development Corporation and the Department of the Attorney General.

Your Committee finds that non self-executing provisions of the state Constitution set forth principles only and require further implementing legislation before they can be enforced. This means that the legislature can enact legislation that provides the standards and criteria by which the intent of the constitutional amendment can be effectuated. Your Committee notes that this proposed

amendment to the State Constitution is designed to guarantee a right to shelter, which will be defined by the legislature. Therefore, your Committee has amended this measure by:

- (1) Adding a provision requiring the legislature to set the standards and criteria to accomplish the amendment; and
- (2) Amending the ballot question to reflect requirement being placed upon the legislature.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2046, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2046, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, 1 (Thielen). Excused, none.

SCRep. 2349 Housing on S.B. No. 2032

The purpose and intent of this measure is to prohibit discrimination, including in advertisements for available rental units, based on receipt of income from a housing assistance program or requirements related to participation in housing assistance programs, in rental transactions and requirements.

Your Committee received testimony in support of this measure from the Governor's Coordinator on Homelessness, Hawaii Public Housing Authority, Hawai'i Civil Rights Commission, Hawai'i Health & Harm Reduction Center, and one individual. Your Committee received testimony in opposition to this measure from the Hawai'i Association of Realtors and one individual.

Your Committee finds that many homeless individuals continue to have trouble locating permanent housing, even when assigned a housing voucher through programs such as Housing First, State Rent Supplement Program, Section 8 Housing Choice Voucher Program, Tenant Based Rental Assistance, or Veterans Affairs Supportive Housing program. Your Committee notes that the Hawaii Public Housing Authority testified that in 2019, eighty-six eligible families had to return their housing vouchers because they were unable to find a rental unit.

Your Committee further finds that many landlords are reluctant to rent to individuals who have a housing voucher. According to the testimony received by your Committee, many advertisements for housing specifically state, "No Section 8" or "No Vouchers".

Your Committee further finds that a recent study conducted by the United States Department of Housing and Urban Development revealed that jurisdictions with housing voucher discrimination protections produced a higher rate of landlord voucher acceptance. Therefore, this measure prohibits housing discrimination based on the renter's participation in a housing assistance program.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2032 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2350 Housing on S.B. No. 2036

The purpose and intent of this measure is to clarify that lands set aside to the Hawaii Housing Finance and Development Corporation by the Governor or leased to the Corporation by any state department and agency are exempt from the definition of "public lands".

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation and Building Industry Association of Hawaii. Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources, the Office of Hawaiian Affairs, and one individual.

Your Committee finds that currently, only the lands now held in title by the Hawaii Housing Finance and Development Corporation are exempt from the definition of "public lands". This means that the Hawaii Housing Finance and Development Corporation must obtain approval from the Board of Land and Natural Resources before it can develop affordable housing on public lands that it does not own. This measure would obviate the need for the Hawaii Housing Finance and Development Corporation to secure approval from Board of Land and Natural Resources before developing affordable housing on lands set aside or leased to it, thereby creating more opportunities for the Hawaii Housing Finance and Development Corporation to develop affordable housing on state-owned lands.

Your Committee further finds that the Hawaii Housing Finance and Development Corporation, pursuant to section 201H-9(c), Hawaii Revised Statutes, has the authority to sell or otherwise dispose of property to any person or government. Your Committee notes that some of the Hawaii Housing Finance and Development Corporation's lands are public trust lands that it manages under executive orders recommended by the Board of Land and Natural Resources and approved by the Governor. Accordingly, your Committee has amended this measure by:

- (1) Amending section 171-64.7(a)(4), Hawaii Revised Statutes, to require legislative approval for the sale or gift of public lands; and
- (2) Adding a provision requiring the Hawaii Housing Finance and Development Corporation to return any lands no longer needed for housing, finance, and development purposes to the agency from whom it came.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2036, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2036, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Thielen). Noes, none. Excused, 1 (Fevella).

SCRep. 2351 Education on S.B. No. 2485

The purpose and intent of this measure is to allow the Department of Education, State Public Charter School Commission, or a charter authorizer to retain and expend federal indirect overhead reimbursements not just from discretionary grants but from non-discretionary grants as well.

Your Committee received testimony in support of this measure from the Department of Education.

Your Committee finds that under existing law indirect cost funds are comprised of reimbursements only from federal discretionary grants received by the Department for costs incurred in support of administrative and general business operations. Certain amounts from indirect cost funds are placed in the Federal Grants Revolving Fund under section 302A-1405, Hawaii Revised Statutes.

Broadening the indirect cost funds to include reimbursements from all federal grants will allow more funds to be deposited into the Federal Grants Revolving Fund. Accordingly to the Department, these funds could be used to pursue additional discretionary grants, monitor grant execution, comply with grant requirements, and audit grant expenditures.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2485, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2485, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kanuha).

SCRep. 2352 Education on S.B. No. 2052

The purpose and intent of this measure is to:

- (1) Add early childhood education students to the Hawaii educator loan program to allow the education loans of those individuals to be forgiven after an appropriate number of years teaching in early childhood education; and
- (2) Appropriate funds.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Executive Office on Early Learning, State Public Charter School Commission, Kamehameha Schools, Hawai'i Teacher Standards Board, Hawaii State Teachers Association, Democratic Party of Hawai'i Education Caucus, Early Childhood Action Strategy, Hawaii Life Alliance, and a private individual. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that it is in the earliest years before brain development is largely complete that our children need the best teachers. Qualified teachers have the requisite understanding to support preschoolers and families living in difficult circumstances too. Teachers who are prepared to support children's developmental needs help to prevent instances of stress-induced behavior problems, inappropriate referrals to special education, and suspensions or expulsions. Your Committee further finds that this measure will incentivize the development of a pool of highly qualified early childhood professionals for the State.

Your Committee further finds that the other jurisdictions have similar loan forgiveness programs with a five-year term of service.

Your Committee has amended this measure by shortening the amount of time an early childhood educator must work in the field to have their loan forgiven from seven to five years.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2052, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2052, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kanuha).

SCRep. 2353 Human Services on S.B. No. 2181

The purpose and intent of this measure is to amend the offenses of sexual assault in the first and third degree, when perpetrated against someone who is mentally defective, to remove the standard of proof regarding knowledge that the other person was mentally defective, as that term is defined in section 707-700, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, and two individuals.

Your Committee finds that mentally disabled persons need additional protection from sexual predators. Among adults who are developmentally disabled, as many as eighty-three percent of the females and thirty-two percent of the males are victims of sexual assault. Your Committee further finds anywhere from fifteen thousand to nineteen thousand people with developmental disabilities are sexually assaulted each year in the United States. Forty percent of people with developmental disabilities who are victims of sexual violence will experience ten or more abusive incidents.

Your Committee additionally finds that mentally disabled persons and developmentally disabled persons have limited, if any, capacity to give knowing and willing consent to sexual acts. This inability to consent closely parallels the inability of certain minors and prison inmates to consent.

Your Committee notes, in *State v. Buch*, 83 Hawaii 308, 926 P.2d. 599 (1996), the Hawaii Supreme Court cited the Michigan Supreme Court in *People v. Cash*, 419 Mich. 230, 351 N.W.2d 822 (1984), which stated that:

It is well-established that the Legislature may, pursuant to its police powers, define criminal offenses without requiring proof of a specific criminal intent and so provide that the perpetrator proceed at his [or her] own peril regardless of his [or her] defense of ignorance or of an honest mistake of fact. In the case of statutory rape, such legislation, in the nature of "strict liability" offenses, has been upheld as a matter of public policy because of the need to protect children[.]

Your Committee recognizes that it has, in the past, extended protection against sexual assault to minors under a certain age. The legislature now finds a similar need to extend protection to mentally disabled persons who similarly lack the capacity to consent to sexual acts.

This measure therefore is to hold perpetrators strictly liable for sexual assault against persons who are mentally defective.

Your Committee has heard the testimony of an individual expressing concerns regarding the implication of the phrase "mentally defective" and suggests that "mentally disabled" would be a palatable and effective substitution. Your Committee finds that this issue raises concerns that merits further consideration and requests that your Committee on the Judiciary further examine the issue and concerns raised by the testifier on this measure.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2181 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2354 Hawaiian Affairs on S.B. No. 2414

The purpose and intent of this measure is to amend ballot requirements to display candidates for the Office of Hawaiian Affairs, Board of Trustees, by residency and non-residency requirements and to randomize the order of candidate names within those groupings.

Your Committee received testimony in support of this measure from three individuals. Your Committee received comments on this measure from the Office of Elections.

Your Committee finds that under existing law, names of candidates for the Board of Trustees of the Office of Hawaiian Affairs are placed on the ballot in alphabetical order. Your Committee further finds that the ordering of candidate names on a ballot has been shown to affect election outcomes because the first name on the ballot generally has an advantage over names listed further down the ballot. To mitigate any advantage that may arise from the order of candidate names on the ballot, this measure requires that the names of candidates for the Board of Trustees of the Office of Hawaiian Affairs be randomized on individual ballots.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2414 and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2355 Hawaiian Affairs on S.B. No. 2369

The purpose and intent of this measure is to:

- (1) Require the Department of Hawaiian Home Lands to digitize its applicant, beneficiary, and lessee records; and
- (2) Appropriate funds.

Your Committee received testimony in support of this measure from two individuals. Your Committee received comments on this measure from the Department of Hawaiian Home Lands.

Your Committee finds that while basic Department of Hawaiian Home Lands applicant waiting lists are available for download on the department's website, the exact details of each applicant, including whether the person has applied for multiple leases, been denied a prior lease, or been skipped over, is not readily accessible, even for department staff. Beneficiary records of the Department of Hawaiian Home Lands are spread across multiple locations. If a beneficiary seeks to determine his or her status, finding and gathering that information can take weeks. This lack of organization has led to some lessees abusing the program by selling or transferring their leases and reapplying for a subsequent lease. This measure will require the Department of Hawaiian Home Lands to digitize its beneficiary waiting lists and other related data which will help increase the efficiency of the Department of Hawaiian Home Lands and reduce lease award abuse by lessees.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2369, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2369, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2356 Commerce, Consumer Protection, and Health on S.B. No. 30

The purpose and intent of this measure is to amend the law relating to health.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and replacing it with language to require pharmacies to provide written notice to patients advising them of certain risks associated with not properly disposing of unwanted or expired drugs, make available certain drug disposal options, and provide written informational materials concerning available drug disposal options.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 30, as amended herein, and recommends that it be recommitted to your Committee on Commerce, Consumer Protection, and Health, in the form attached hereto as S.B. No. 30, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Wakai).

SCRep. 2357 (Joint) Public Safety, Intergovernmental, and Military Affairs and Housing on S.B. No. 2212

The purpose and intent of this measure is to prohibit any law, ordinance, or rule from imposing an inclusionary zoning requirement on housing offered exclusively for sale in perpetuity to buyers who are residents of the State, are owner-occupants, and do not own any other real property.

Your Committees received testimony in support of this measure from one member of the Maui County Council; the National Association of Industrial and Office Properties, Hawaii Chapter; Building Industry Association Hawaii; and Chamber of Commerce Hawaii. Your Committees received testimony in opposition to this measure from the Office of Hawaiian Affairs, Department of Planning and Permitting of the City and County of Honolulu, Hawaiian Community Assets, and Hawaii Habitat for Humanity Association.

Your Committees find that the State is experiencing a severe shortage of affordable housing. While the State has made progress toward increasing the housing supply for residents, there has been a lack of measurable progress at the county level to enact policies that will stimulate housing production to meet this projected demand. This measure incentivizes the production of housing units at all price points and encourages more developers to build affordable housing in the State for residents.

Your Committees note that inclusionary zoning is like trying to end a famine by taxing food. Studies show that inclusionary zoning actually decreases affordable housing production.

Your Committees have amended this measure by:

- (1) Requiring each county to submit a report on inclusionary zoning requirements to the Legislature every year until the Regular Session of 2025;
- (2) Inserting language that repeals this measure on July 1, 2025; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2212, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2212, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

Housing: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2358 (Joint) Hawaiian Affairs and Water and Land on S.B. No. 3018

The purpose and intent of this measure is to:

- (1) Exempt the traditional and customary practice of kalo farming on kuleana lands by native Hawaiians from the requisite permit for withdrawal, diversion, impoundment, or consumptive use of water; and
- (2) Exempt the traditional and customary practice of kalo farming on kuleana lands by native Hawaiians from the requisite permit for construction or alteration of a stream diversion works.

Your Committees received testimony in support of this measure from the Ahu Moku Advisory Committee, Pono Hawai'i Initiative, Ho'oulu 'Aina Farms, and eighteen individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources.

Your Committees find that native Hawaiians have been farming lands throughout the Hawaiian islands for nearly two thousand years. They have done so successfully and without creating adverse impacts to the land and ahupua'a in which they operated. Traditional farming and the native Hawaiian culture generally play a vital role in preserving and advancing the quality of life and cultural vitality of Hawaii. Additionally, the rights of native Hawaiians are codified in articles IX and XII of the Hawaii State Constitution, as well as numerous state laws and judicial decisions.

Your Committees further find that supporting traditional farming is critical towards helping the State achieve food security and increasing domestic production of a local food supply. The State has an affirmative obligation to ensure that its regulatory actions do not adversely impact the constitutionally protected rights of native Hawaiians. This measure allows the native Hawaiians to farm on Kuleana lands without certain permits, which allows native Hawaiians to continue the native Hawaiian traditional way of farming with less hurdles.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3018 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Hawaiian Affairs: Ayes, 5. Noes, none. Excused, none.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2359 Judiciary on S.B. No. 2480

The purpose and intent of this measure is to establish a Hawaii Hope Card Program within the Department of the Attorney General to issue cards verifying a person's long-term protective order.

Your Committee received testimony in support of this measure from three individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that several jurisdictions throughout the nation have adopted Hope Card Programs. The Hope Card allows someone who has been granted an order of protection in one jurisdiction to easily prove it in another jurisdiction. Hope Cards are wallet-sized and compact and are intended as a more convenient way for people who have permanent orders of protection to always keep relevant information about their orders with them. The Hope Card lets law enforcement know that there is a valid, permanent order of protection in place. Your Committee notes that a Hope Card is not a substitute for an order of protection, but it includes relevant information related to a valid, permanent order of protection.

Your Committee further finds that under existing law, protected individuals, including young minors, are required to always carry the nine-page documents that prove an order of protection is in place. Doing so is not only inconvenient but may quickly render the order illegible due to wear and tear. Your Committee finds that the State should adopt a Hope Card Program to increase the safety of the persons protected by these orders by making it easy to always carry proof of protection.

Your Committee has amended this measure by:

- (1) Clarifying that a Hope Card shall be similar in size and material to a Hawaii state driver license, display a color photograph of the person to be restrained by the long-term protective order, if available and confirmed by the court issuing the long-term protective order, and contain essential information if such information is provided within the long-term protective order; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2480, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2480, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 2360 Government Operations on S.B. No. 2086

The purpose and intent of this measure is to require the Comptroller to include a list of all accounts closed by the Comptroller during the preceding year in its annual report to the Governor and the Legislature.

Your Committee received comments on this measure from the Department of Accounting and General Services. The testimony informed your Committee that it works closely with the Office of Enterprise Technology Services to purge accounts that meet criteria codified by the Office of Enterprise Technology Services.

Your Committee finds that although the Department of Accounting and General Services reports on closed accounts, oral testimony and ensuing discussion revealed that departments do not always submit reports about accounts that are not closed but are inactive and serving lapsed funds.

Your Committee has amended this measure by clarifying the requirement that the Comptroller of the Department of Accounting and General Services submit a report on closed accounts and accounts that still exist but are under the control of lapsed programs and initiatives. Your Committee has also made technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2086, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2086, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2361 Water and Land on S.B. No. 2303

The purpose and intent of this measure is to:

- (1) Direct the Department of Land and Natural Resources to develop and implement an emergency intervention plan for the Wahiawa dam and reservoir; and

(2) Appropriate funds.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Emergency Management Agency of the Department of Defense, Department of Emergency Management of the City and County of Honolulu, Life of the Land, and Dole Food Company, Inc.

Your Committee further finds that climate change creates increased risks of both drought and sea level rise, making it critical to maintain the State's water storage capabilities and to protect downstream communities from flooding. To address these risks, the Wahiawa dam and reservoir, which serves as a major water supply for central and North Shore Oahu, must be carefully monitored for safety and must be the subject of an emergency intervention plan. This measure will direct the Department of Land and Natural Resources Engineering Division dam safety program to develop and implement an emergency intervention plan for the Wahiawa dam and reservoir which will minimize risks to downstream communities during an emergency event.

Your Committee has amended this measure by inserting an effective date of December 31, 2033, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2303, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2303, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Nishihara).

SCRep. 2362 Water and Land on S.B. No. 2440

The purpose and intent of this measure is to appropriate funds for the establishment of a tree planting program, to be implemented by the Kaulunani urban and community forestry program within the Department of Land and Natural Resources' Division of Forestry and Wildlife, including the establishment of a community partnership coordinator position.

Your Committee received testimony in support of this measure from Department of Land and Natural Resources, Trees for Honolulu's Future, Climate Protectors Coalition, 350 Hawaii, Apollo Kauai, and twenty-eight individuals.

Your Committee finds that trees are the State's strongest allies to address the climate crises. However, since western contact, Hawaii has lost nearly half of its native forest cover and the State's forests continue to be reduced by invasive species and wildfires. In recent years, Hawaii's cities have also experienced a dramatic decline in their urban tree cover, with Honolulu seeing a five per cent decline of its urban tree cover in a less than four-year period.

Your Committee further finds that Act 15, Session Laws of Hawaii 2018, among other things, set a goal for the State to achieve carbon neutrality by 2045. A tree planting program will assist the State in reaching this goal. In 2016, urban trees in Hawaii were estimated to sequester four hundred ten thousand metric tons of carbon dioxide equivalents annually—equal to the annual emissions of eighty-nine thousand cars. However, state and county lands cannot accommodate all the necessary tree plantings needed to achieve carbon neutrality. Community partnerships are therefore essential to meet the goal of carbon neutrality and improve the quality of life in Hawaii for present and future generations.

Your Committee also finds that the Department of Land and Natural Resources has implemented the Kaulunani urban and community forestry program with support from the United States Department of Agriculture Forest Service. The United States Department of Agriculture grants approximately \$200,000 annually for administering the state urban and community forestry program. The program supports statewide community-based, cost-share programs, including community-based tree planting projects. However, program funds are not sufficient to support all of the projects that seek funding, including a tree planting program. This measure appropriates money to establish a tree planting program so that there are sufficient funds to address the State's need for more trees.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 31, 2033, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2440, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2440, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Riviere).

SCRep. 2363 Water and Land on S.B. No. 2537

The purpose and intent of this measure is to:

- (1) Prohibit the obstruction of access to beaches; and
- (2) Create a one hundred dollar penalty for the first conviction of obstructing access to public property.

Your Committee received testimony in support of this measure from Coastal Planners, LLC.

Your Committee finds that although public access is protected by state law, development pressure is making it difficult for residents to access beach and shoreline areas. Your Committee further finds that action is necessary to protect public access for the enjoyment of the State's residents and visitors. This measure will provide penalties for the obstruction of access to beaches so that the public may enjoy them.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 31, 2033, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2537, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2537, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Riviere).

SCRep. 2364 Education on S.B. No. 2348

The purpose and intent of this measure is to appropriate funds for selected public middle school teachers to attend an evidence-informed or evidence-based and culturally relevant bullying intervention training session and for those selected public middle school teachers to provide training on bullying intervention to other public school employees in their respective schools.

Your Committee received testimony in support of this measure from the State Public Charter Schools Commission, Hawaii Youth Services Network, AAUW of Hawaii, Hawaii Women's Coalition, and three private individuals. Your Committee received comments on this measure from the Department of Education and a private individual.

Your Committee finds that bullying is a serious problem for the students in Hawaii, especially for middle school students. Your Committee further finds that utilizing a train-to-trainer model could be a practical and cost-effective means of addressing this pressing issue.

Your Committee has amended this measure by:

- (1) Clarifying that teachers and employees of public charter schools will be included in this program;
- (2) Clarifying that the Superintendent of Education shall coordinate with the Executive Director of the State Public Charter School Commission on training dates and times; and
- (3) Noting that training for teachers shall be held during regular working hours or teachers must be appropriately compensated for their time.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2348, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2348, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kanuha).

SCRep. 2365 Education on S.B. No. 2484

The purpose and intent of this measure is to:

- (1) Establish in the Department of Education an Education Research and Development Revolving Fund to support the research and development of innovative curriculum, instructional materials, and related technologies; and
- (2) Appropriate \$1,000,000 to the fund.

Your Committee received testimony in support of this measure from the Department of Education and a private individual. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that this measure provides a mechanism to incentivize and support the research, development, marketing, and sale of innovative curriculum, instructional materials, and related technologies.

Your Committee has amended this measure by:

- (1) Inserting a blank appropriation amount to encourage further discussion by the Committee on Ways and Means; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2484, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2484, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4; Ayes with Reservations (Kim). Noes, none. Excused, 1 (Kanuha).

SCRep. 2366 Education on S.B. No. 2664

The purpose and intent of this measure is to:

- (1) Require the Board of Education to hold no less than six community forums annually, with at least one forum in each county, and that under certain conditions the forums will be permitted interactional under section 92-2.5, Hawaii Revised Statutes;
- (2) Require the Board to include an open forum for public comments on non-agenda items at the end of each public meeting through June 30, 2025; and
- (3) Require a report to the Legislature on implementing open forums.

Your Committee received testimony in support of this measure from the Democratic Party of Hawai'i Education Caucus. Your Committee received comments on this measure from the Board of Education and Civil Beat Law Center for the Public Interest.

Your Committee finds that the Board of Education typically holds meetings during the daytime in downtown Honolulu and often focuses on matters prioritized by the Department of Education. While the Board invites members of the public to provide comments and concerns in writing at any time, your Committee finds that hosting additional Board of Education meetings on neighbor islands could increase the engagement of stakeholders on the neighbor islands.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to encourage further discussion on this matter.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2664, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2664, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kanuha).

SCRep. 2367 Human Services on S.B. No. 2222

The purpose and intent of this measure is to:

- (1) Reactivate the individual development account contribution income tax credit for the five-year period from 2021 through 2025;
- (2) Amend provisions regarding state-funded individual development accounts; and
- (3) Appropriate funds to the Department of Human Services.

Your Committee received testimony in support of this measure from the Hawaii Credit Union League and two individuals. Your Committee received comments on this measure from the Department of Taxation, Office of the Auditor, Department of Human Services, and Tax Foundation of Hawaii.

Your Committee finds that individual development accounts are special savings accounts that match the deposits of low- and moderate-income savers; provided that they participate in financial education and use the savings for targeted purposes such as housing, post-secondary education, small business development, and transportation for work and school. Your Committee notes that research demonstrates that these accounts make families more financially secure and communities and local economies more stable by assisting them with obtaining permanent housing, attending post-secondary education, starting a business, or accessing transportation necessary to earn a living or increase their wages.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2222 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2368 Human Services on S.B. No. 2346

The purpose and intent of this measure is to clarify that the effective period of a protective order, temporary restraining order, or injunction that restrains any party from contacting, threatening, or physically abusing or harassing a minor may extend to a date after the minor has reached 18 years of age.

Your Committee received testimony in support of this measure from the Hawaii Youth Services Network, American Association of University Women-Hawaii, Planned Parenthood Votes Northwest and Hawaii, Hawaii Women's Coalition, and two individuals.

Your Committee finds that temporary restraining orders, protective orders, and injunctions that restrains a person from contacting, threatening, physically abusing, or harassing a minor typically are issued to expire when the minor reaches the age of majority because there is ambiguity whether the courts have the authority to issue these orders for a period that extends beyond the date when the minor turns eighteen years of age. This forces the now eighteen-year-old who was previously protected to return to court to obtain a new court order.

This measure therefore clarifies that the courts have the authority to issue temporary restraining orders, protective orders, and injunctions for up to a reasonable period of time after a protected minor reaches the age of majority.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2346 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2369 Human Services on S.B. No. 2351

The purpose and intent of this measure is to establish a pilot diaper benefit program for parents who participate in the first to work program administered by the Department of Human Services.

Your Committee received testimony in support of this measure from the Children's Action Network. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that a family's need for diapers is not simply a material hardship, but a factor that can contribute to the perpetuation of the cycle of poverty. The cost for diapers can be substantial, averaging approximately \$1,000 per year for a parent or caregiver, or as much as fourteen percent of the after-tax income of a struggling household.

Your Committee further finds that the only federal assistance that can be spent on diapers is the temporary assistance to needy families program. Your Committee also notes families use temporary assistance to needy families to cover a wide range of fundamental necessities. Often there is not enough left over to also cover diapers.

This measure therefore establishes a pilot diaper benefit program for parents who participate in the first to work program. The diaper benefit shall be used by the participant to purchase diapers for the child, shall be issued to qualifying parents through an electronic benefits transfer system, and shall not be considered income for the purposes of determining eligibility for any other public benefits.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2351 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

SCRep. 2370 Human Services on S.B. No. 2502

The purpose and intent of this measure is to add members of the clergy, commercial computer technicians, commercial film and photographic print or image processors, and administrators and employees of organizations that have direct contact with or supervision of children to the categories of persons who are required to report child abuse and neglect to the Department of Human Services or the police department. This measure also provides a "safe harbor" through December 31, 2020, for reporting by clergy of known or suspected child abuse that was previously unreported and that did not arise during a penitential communication.

Your Committee received testimony in support of this measure from the Department of Human Services, Hawaii Youth Services Network, and one individual.

Your Committee finds that in 2017, the child welfare services branch of the State's department of human services received 3,702 reports of child abuse. More than half of these reports were made by mandated reporters working in fields such as medicine, law enforcement, and social services. Your Committee also finds that unfortunately, despite the extent of reporting that does occur, many other instances of child abuse go unreported.

Your Committee additionally finds, sexual exploitation of children occurs online, making it easier for some predators to avoid detection and arrest. Your Committee notes that by requiring computer technicians to report to law enforcement computer files containing child pornography, the State can protect more children from exploitation and abuse.

This measure therefore is to update Hawaii's mandatory child abuse and neglect reporting law by adding members of the clergy, commercial computer technicians, commercial film and photographic print or image processors, and others in organizations that have direct contact with or supervision of children to the categories of persons who are required to report. These additional categories of mandatory reporters are consistent with California's Child Abuse and Neglect Reporting Act.

Your Committee has amended this measure by clarifying that the employer or employee of a commercial computer technician designated to receive a written follow-up report as required by this Act is subject to the reporting requirements of this section. Your Committee has further amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2502, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2502, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

SCRep. 2371 Human Services on S.B. No. 2677

The purpose and intent of this measure is to specify that the family court has jurisdiction in proceedings concerning the custody or guardianship of an immigrant child pursuant to a motion for Special Immigrant Juvenile factual findings requesting a determination that the child was abused, neglected, or abandoned before the age of eighteen.

Your Committee received testimony in support of this measure from the Judiciary; Department of Human Services; Cades Schutte, LLLP; Filipina Advocacy Network; Pono Hawai'i Initiative; The Legal Clinic Hawai'i; and nine individuals.

Your Committee finds that federal law provides protections to individuals classified as special immigrant juveniles. Your Committee further finds that, consistent with the actions of other states, the State may assist individuals in claiming special immigrant juvenile status by clarifying that family court has jurisdiction over unmarried individuals under twenty-one years of age for purposes of awarding custody or guardianship pursuant to a motion for factual findings within the meaning of the Immigration and Nationalization Act, Title 8 United States Code section 1101(a)(27)(J).

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2677 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

SCRep. 2372 Human Services on S.B. No. 2942

The purpose and intent of this measure is to require the Governor's Coordinator on Homelessness to develop and implement separate regional plans for various neighborhoods across the State to coordinate the services and shelter facilities of public agencies and nonprofit organizations to meet the concerns of impacted communities and various needs of the homeless population.

Your Committee received testimony in support of this measure from the Democratic Party of Hawai'i and one individual. Your Committee received testimony in opposition to this measure from the Homeless Program of Maui County. Your Committee received comments on this measure from the Department of Human Services, Governor's Coordinator on Homelessness, Institute for Human Services, and two individuals.

Your Committee finds that homelessness is a significant issue throughout the State. However, your Committee finds urban Honolulu receives most of the moneys allocated to address the homelessness issue. Your Committee also finds that the State is failing to collaborate with various local nonprofit organizations throughout the State to address the homelessness issue. Your Committee believes that the severity of the homelessness and its diverse causes necessitate increased collaboration between the State, counties, neighborhood boards, and nonprofit organizations.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2942 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

SCRep. 2373 Human Services on S.B. No. 3117

The purpose and intent of this measure is to extend the emergency department homelessness assessment pilot program and medical respite pilot program to December 31, 2021, and appropriate funds.

Your Committee received testimony in support of this measure from the Governor's Coordinator on Homelessness, The Queen's Health Systems, Democratic Party of Hawai'i, and three individuals. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that the State has one of the highest rates of homelessness per capita in the nation, and there is a clear connection between health care and homelessness. Since 2018, the Department of Human Services has contracted with the Queen's Medical Center (Queen's) to administer the emergency department homeless assessment pilot program and medical respite pilot program. In fiscal year 2019 alone, there were 3,035 emergency medical transports and 1,341 Honolulu Police Department transports to Queen's, translating to a \$21 million cost to Medicaid and \$14 million in cost of care to Queen's.

Your Committee further notes that the Queen's Care Coalition was able to identify homeless patients with high utilization of emergency department services and deliver short-term, post-discharge navigation services to special populations to reduce reliance on acute care by connecting patients to community services.

Your Committee finds that the emergency department homelessness assessment pilot program has demonstrated positive results in delivering care coordination services, by a multidisciplinary team, to mitigate the number of unnecessary emergency department visits by patients experiencing homelessness or patients at risk of experiencing homelessness and merits continuation. Additionally, your Committee finds that the medical respite pilot program has demonstrated positive results in delivering medical respite services for eligible individuals experiencing homelessness by providing services such as meals; case management; and medical, nursing, and psychiatric care and merits continuation.

Your Committee finds furthermore that the Department of Human Services supports the continuation of both programs and is in the process of transitioning the program from the homeless program office to the Med-QUEST division. Given that the pilot program's funding ends on June 30, 2020, additional financial support is necessary to ensure no lapse in resources for the emergency department homelessness assessment pilot program and medical respite pilot program, as they are transitioned to the Med-QUEST division.

This measure therefore:

- (1) Extends the emergency department homelessness assessment pilot program and medical respite pilot program to December 31, 2021; and
- (2) Appropriates funds for the pilot programs.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3117 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2374 Hawaiian Affairs on S.B. No. 2391

The purpose and intent of this measure is to:

- (1) Allow the Hawaiian Homes Commission or the Department of Hawaiian Home Lands to retain independent legal counsel as needed;
- (2) Authorize the Hawaiian Homes Commission and the Department of Hawaiian Home Lands to use the services of the Attorney General as needed and when the interests of the State, Hawaiian Homes Commission, and Department of Hawaiian Home Lands are aligned; and

(2) Provide that funds paid to independent legal counsel shall be paid by the State.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands, Ka Lāhui Hawai'i Political Action Committee, and three individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General.

Your Committee finds that the Hawaiian Homes Commission and Department of Hawaiian Home Lands have a trust duty to their native Hawaiian beneficiaries and in the fulfillment of this trust obligation, the Hawaiian Homes Commission and Department of Hawaiian Home Lands may at times take positions adverse to the positions taken by the State. It is at these times that the Hawaiian Homes Commission must be assured that it receives legal counsel strictly in the interest of its client. This measure will allow the Hawaiian Homes Commission and Department of Hawaiian Home Lands to either retain independent counsel to be paid for by the State when interests are at odds, or use the Attorney General's office when their interests in the matter is aligned.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2391 and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Ihara). Noes, none. Excused, none.

SCRep. 2375 Hawaiian Affairs on S.B. No. 2387

The purpose and intent of this measure is to appropriate funds for the Department of Hawaiian Home Lands and Office of Hawaiian Affairs as mandated by the Constitution of the State of Hawaii and Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Department of Hawaiian Home Lands, and three individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies and one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that the Department of Hawaiian Home Lands and the Office of Hawaiian Affairs are vital to the well-being and financial autonomy of native Hawaiians. Providing important services to the native Hawaiian community requires sufficient funds as mandated by the Hawaii Constitution and Hawaii law.

Your Committee further finds that the Department of Hawaiian Home Lands' funding mandate arises from article XII, section 1 of the Hawaii Constitution, which states in pertinent part that the Legislature shall make sufficient sums available for the administration and operating budget of the Department of Hawaiian Home Lands.

Your Committee also finds that the Office of Hawaiian Affairs is similarly charged with administration of programs that benefit native Hawaiians. In accordance with section 10-13.5, Hawaii Revised Statutes, the Office of Hawaiian Affairs is obligated to expend twenty percent of the funds it derives from the public land trust for the purpose of its office.

This measure will ensure that the Department of Hawaiian Home Lands and Office of Hawaiian Affairs receive the monies mandated by the Constitution of the State of Hawaii and Hawaii Revised Statutes to help the native Hawaiian community.

Your Committee has amended this measure by:

- (1) Clarifying that the sum appropriated to the Office of Hawaiian Affairs shall be expended by the Office of Hawaiian Affairs for purposes related to Hawaiian home lands; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2387, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2387, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2376 Hawaiian Affairs on S.B. No. 2265

The purpose and intent of this measure is to:

- (1) Establish the Micro Enterprise Assistance Program on Hawaiian home lands revolving fund to provide grants and loans through the implementation of the Micro Enterprise Assistance Program to qualified native Hawaiians, native Hawaiian-controlled homestead associations, and homestead association community development corporations; and
- (2) Appropriate funds.

Your Committee received testimony in support of this measure from the Sovereign Council of Hawaiian Homestead Associations and one individual. Your Committee received testimony in opposition to this measure from the Center of Hawaiian Sovereignty Studies and two individuals. Your Committee received comments on this measure from Department of Attorney General and Department of Hawaiian Home Lands.

Your Committee finds that when Hawaii was admitted to the Union, the Hawaii Admission Act of 1959 transferred complete responsibility of the Hawaiian Homes Commission Act and Hawaiian home lands from the federal government to the State. One of the goals of the Hawaiian Homes Commission Act that the State agreed to undertake was to enable native Hawaiians to live self-sufficient lives on the Hawaiian home lands. This measure is intended to help achieve that goal by providing grants and loans to qualifying

native Hawaiians, native Hawaiian-controlled homestead associations, and homestead association community development corporations.

Your Committee heard compelling testimony from the Sovereign Council Of Hawaiian Homestead Associations about whether the Department of Business, Economic Development, and Tourism has better expertise than the Department of Hawaiian Home Land regarding the purposes of this Act. Your Committee acknowledges that the Sovereign Council Of Hawaiian Homestead Associations has a valid point, but notes that there is a measure, H.B. 1402, H.D. 1, S.D. 1, (Regular Session of 2019) that carried over from the 2019 legislative session that is still alive that houses the program under the Department of Business, Economic Development, and Tourism. This means there are two versions of the measure, one that houses the program in the Department of Business, Economic Development, and Tourism and one that houses the program in the Department of Hawaiian Home Lands, and hopefully between the two measures one can survive and be funded as this program is a good concept.

Accordingly, your Committee has amended this measure by:

- (1) Amending section 213 of the Hawaii Homes Commission Act to establish the micro enterprise assistance program on Hawaiian home lands revolving fund rather than in chapter 210D of the Hawaii Revised Statutes and making conforming amendments; and
- (2) Clarifying that the Micro Enterprise Assistance Program on Hawaiian Home Lands Revolving Fund be administered by the Department of Hawaiian Home Lands to provide grant and loans notwithstanding any provision in the section to the contrary;
- (3) Clarifying that the Micro Enterprise Assistance Program on Hawaiian Home Lands Revolving Fund is to provide grants and loans to qualified native Hawaiians as defined by the Hawaiian Homes Commission Act of 1920 pursuant to article XII of the state constitution;
- (4) Clarifying that the Micro Enterprise Assistance Program on Hawaiian Home Lands Revolving Fund is to provide grants and loans to native Hawaiian-controlled homestead associations with members who are qualified native Hawaiians as defined by the Hawaiian Homes Commission Act of 1920 pursuant to article XII of the state constitution;
- (5) Including native Hawaiian community organizations with a demonstrated ability and history of making and administering loans and providing support to qualified native Hawaiians as defined by the Hawaiian Homes Commission Act of 1920 pursuant to article XII of the state constitution as eligible recipients of grants and loans pursuant to this Act;
- (6) Adding a definition for "micro enterprise assistance program"; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2265, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2265, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Keohokalole).

SCRep. 2377 (Joint) Technology and Government Operations on S.B. No. 2836

The purpose and intent of this measure is to provide agencies more flexibility and online options to provide enhanced digital services to the public in order to better serve the public and businesses by clarifying provisions related to the Access Hawaii Committee.

Your Committees received testimony in support of this measure from the Office of Enterprise Technology Services and State Procurement Office. Your Committees received comments on this measure from one individual.

Your Committees find that state online services and the means of conducting business over the Internet have dramatically changed over the years. In order to better serve the public and businesses, the State must be in alignment with current practices of departments and agencies that now use multiple internet services. Therefore, it is critical to give departments more flexibility to deliver digital services to the public, better coordinate activities of multiple internet services used by the State, and take full advantage of new technologies and portal services available on the evolving Internet.

As affirmed by the records of votes of the members of your Committees on Technology and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2836 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

Government Operations: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

SCRep. 2378 Higher Education on S.B. No. 2010

The purpose and intent of this measure is to establish the Uniform Employee and Student Online Privacy Protection Act that adopts uniform laws on protecting the online accounts of employees, prospective employees, unpaid interns, applicants, students, and prospective students from employers and educational institutions.

Your Committee received testimony in support of this measure from the Department of Education, University of Hawaii system, Hawaii Civil Rights Commission, Commission to Promote Uniform Legislation, and Democratic Party of Hawaii LGBT Caucus. Your Committee received comments on this measure from the American Civil Liberties Union of Hawaii.

Your Committee finds that, ordinarily, individuals decide for themselves who will have access to information that is not otherwise publicly available in their social media profiles and other online accounts. Employers and educational institutions, however, may have the power to coerce access to non-public information of students' and employees' personal online accounts.

Your Committee further finds that, in recent years, there have been a number of reported incidents in which employers and schools have demanded, and received, such access. This measure, which was developed by the Uniform Law Commission with input from employers, educational institutions, internet and other technology companies and privacy organizations, prevents employers and public and private educational institutions from coercing access to such information from employees and students who will normally have less than equal bargaining power.

Your Committee further finds that adoption of this uniform act will establish a set of rules that will help employers, educational institutions, employees, students, technology service providers, practitioners, judges, and others to effectively apply, comply with, and enforce the law in a more consistent manner.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2010 and recommends that it pass Second Reading and be referred to your Committees on Commerce, Consumer Protection, and Health and Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kidani).

SCRep. 2379 Higher Education on S.B. No. 2311

The purpose and intent of this measure is to:

- (1) Strengthen campus safety and accountability procedures and protocols, including those relating to sexual harassment, sexual assault, domestic violence, dating violence, stalking, and related issues, at the University of Hawaii; and
- (2) Take steps to extend those procedures and protocols to private institutions of higher education in Hawaii.

Your Committee received testimony in support of this measure from the University of Hawaii system, Planned Parenthood Votes Northwest and Hawaii, IMUA Alliance, Democratic Party of Hawaii LGBT Caucus, Democratic Party of Hawaii Education Caucus, AAUW of Hawaii, and a private individual.

Your Committee finds that the most recent University of Hawaii climate survey report, which polled 44,671 adult students across ten University of Hawaii campuses, revealed the necessity for a state-level solution to improving campus security. The survey found that one in eight students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, while one in four felt it likely that they would be sexually assaulted or harassed at an off-campus, university-sponsored event. In addition, one in sixteen University of Hawaii survey participants systemwide reported non-consensual sexual contact at some point while enrolled at the university.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2311, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2311, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kidani).

SCRep. 2380 Higher Education on S.B. No. 2673

The purpose and intent of this measure is to establish the right of postsecondary student athletes in intercollegiate athletics to receive compensation for the use of their name, image, or likeness.

Your Committee received testimony in support of this measure from a private individual. Your Committee received testimony in opposition to this measure from the University of Hawaii system.

Your Committee finds that in 2019 the State of California passed legislation and the National Collegiate Athletic Association announced its intent to allow student athletes to be compensated for the use of their name, image, or likeness. However, recognizing that there remains considerable development of how the legislation and National Collegiate Athletic Association's intent will be implemented, neither is scheduled to take effect until 2023. This will allow time for more work to be done on this complex issue.

Your Committee has amended this measure by:

- (1) Amending the effective date to July 1, 2023, to synchronize with the efforts of the State of California and the National Collegiate Athletic Association; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2673, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2673, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kidani).

SCRep. 2381 Higher Education on S.B. No. 2691

The purpose and intent of this measure is to:

- (1) Establish a network improvement community task force to develop a K-12 science, technology, engineering, and mathematics (STEM) teacher education degree for the University of Hawaii; and
- (2) Appropriate funds.

Your Committee received comments on this measure from the University of Hawaii system and Department of Education.

Your Committee finds that the delivery of high-quality professional opportunities and teacher mentoring is essential to building teacher capacity and confidence in the development of STEM K-12 curricula and programs.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2691, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2691, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kidani).

SCRep. 2382 Agriculture and Environment on S.B. No. 2703

The purpose and intent of this measure is to establish in the Department of Agriculture a grant program to assist beginning farmers and ranchers in meeting the operating costs, including start-up and organization costs, to start their farm or ranch operations.

Your Committee received testimony in support of this measure from the Department of Agriculture; Hawaii Cattlemen's Council, Inc.; Maui Chamber of Commerce; Hawai'i Farm Bureau; Ulupono Initiative; Land Use Research Foundation of Hawaii; and one individual.

Your Committee finds that increased local food production is a goal of the State. In order to increase the amount of locally grown food consumed by Hawaii residents, it is necessary for new farmers and ranchers to enter the agricultural industry. However, the costs to begin agricultural operations are often prohibitive to new farmers and ranchers. Your Committee finds that a grant program will assist new farmers and ranchers to begin their agricultural operations which will then add local agricultural products to the market to increase the ability for consumers to eat locally produced foods.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2703 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2383 Agriculture and Environment on S.B. No. 2157

The purpose and intent of this measure is to appropriate monies to the Agricultural Development Division and Plant Industry Division of the Department of Agriculture.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Department of Agriculture; Hawaii Cattlemen's Council, Inc.; Land Use Research Foundation of Hawaii; Maui Chamber of Commerce; Hawai'i Farm Bureau; and two individuals.

Your Committee finds that increased funding is necessary to support agriculture in the State. This measure provides funding to increase biosecurity at airports and harbors; support small local farmers; and promote the safety of workers and the public in relation to agriculture, invasive species, and native ecosystems.

Your Committee requests that the Department of Agriculture suggest an appropriation amount that your Committee on Ways and Means may consider, should this measure move forward.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2157 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2384 Agriculture and Environment on S.B. No. 2716

The purpose and intent of this measure is to authorize fees for diagnostic, surveillance, and other work by the Department of Agriculture's Division of Animal Industry's Veterinary Laboratory and Animal Disease Control Branch to be deposited into the animal industry special fund.

Your Committee received testimony in support of this measure from the Department of Agriculture; Hawaii Cattlemen's Council, Inc.; and Hawai'i Farm Bureau.

Your Committee finds that the animal industry special fund was established to receive moneys from the use or rental of the Department of Agriculture's Division of Animal Industry properties and facilities to assist with expenditures of the Division. The

Division's Veterinary Laboratory assists industries, practicing veterinarians, the state animal quarantine branch, and other governmental animal health agencies by providing laboratory and testing services, including pathology, histopathology, parasitology, and serology; diagnostic support; and conducting disease surveillance projects involving poultry, swine, dairy, and other livestock and aquaculture industries. Your Committee further finds that although reductions were made to the Veterinary Laboratory in recent years, the lab is currently positioned to perform at optimal capacity and generate revenue from its diagnostic, surveillance, and other work fees. This measure ensures that such fees will be deposited into the animal industry special fund to assist with costs of the Division of Animal Industry.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2716 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2385 Agriculture and Environment on S.B. No. 2710

The purpose and intent of this measure is to appropriate funds for an agricultural appraiser within the Department of Agriculture.

Your Committee received testimony in support of this measure from the Department of Agriculture; Hawaii Cattlemen's Council, Inc.; East Oahu County Farm Bureau; Hawaii Crop Improvement Association; Hawai'i Farm Bureau; Hawaii Aquaculture and Aquaponics Association; and nineteen individuals.

Your Committee finds that there are no certified agricultural appraisers in Hawaii, therefore commercial appraisers lack the specialized knowledge required to accurately appraise agricultural properties, which can result in appraisals for private agricultural lands that are far higher than their actual value. Your Committee believes that for purposes of accuracy and equity, a certified agricultural appraiser within the Department of Agriculture is necessary to ensure accurate valuations of agricultural properties within the State.

Your Committee has amended this measure by:

- (1) Replacing the term "agricultural appraiser" with the term "accredited rural appraiser";
- (2) Clarifying that the lack of specialized knowledge required to accurately appraise agricultural properties can result in appraisals for state agricultural lands, rather than private agricultural lands, that are far higher than their actual value; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2710, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2710, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2386 Agriculture and Environment on S.B. No. 2711

The purpose and intent of this measure is to appropriate funds to the Department of Agriculture for a pilot program to identify and purchase foreign agricultural technology, including small equipment tractors and retrofit engines, that will benefit the State's farmers and ranchers and that complies with the Environmental Protection Agency's emission standards.

Your Committee received testimony in support of this measure from the Department of Agriculture; University of Hawai'i System; Hawaii Cattlemen's Council, Inc.; Land Use Research Foundation of Hawaii; Maui Chamber of Commerce; Hawaii Crop Improvement Association; Hawai'i Farm Bureau; and twenty-one individuals.

Your Committee finds that as the demand for unskilled labor increases, farmers and ranchers continue to search for alternative ways to operate their farms through technology, such as small equipment tractors from Japan. According to the United States Environmental Protection Agency, small equipment engines from foreign countries like Japan do not comply with standard regulations. Your Committee further finds that appropriating funds to establish a pilot program to identify efficient foreign agricultural small equipment and retrofit engines to comply with Environmental Protection Agency standard regulations can aid local farmers and ranchers to identify and import advantageous small equipment.

Your Committee notes that the University of Hawaii, rather than the Department of Agriculture, is a more appropriate agency to establish a foreign agriculture small equipment pilot program.

Accordingly, your Committee has amended this measure by:

- (1) Replacing the Department of Agriculture with the University of Hawaii as the lead agency to establish a foreign agriculture small equipment pilot program; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2711, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2711, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2387 Agriculture and Environment on S.B. No. 2099

The purpose and intent of this measure is to:

- (1) Establish staffing positions within the Department of Agriculture's Agricultural Resource Management Division;
- (2) Transfer portions of the East Kauai Irrigation System operated and maintained by the East Kauai Water Users' Cooperative as of July 1, 2020, to the Department of Agriculture until the adoption of rules is complete or the Chairperson of the Board of Agriculture determines that the system can be appropriately operated and maintained pursuant to chapters 167 and 168, Hawaii Revised Statutes;
- (3) Stipulate that the system will not be governed by chapters 167 and 168, Hawaii Revised Statutes, until it is transferred to the appropriate program;
- (4) Authorize extension of the deadline for the East Kauai Water Users' Cooperative to obtain a stream diversion works permit from the Department of Land and Natural Resources;
- (5) Authorize the issuance of general obligation bonds for plans, designs, land acquisition, and equipment to increase state irrigation system capacity statewide; and
- (6) Appropriate funds for the operations and maintenance of the East Kauai Irrigation System.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Hawaii Cattlemen's Council, Inc.; SR Hawaii; Land Use Research Foundation of Hawaii; Kalepa Coalition; Kūlana Association of Unit Owners; Saiva Siddhanta Church; Hawai'i Farm Bureau; Ulupono Initiative; Kekaha Agriculture Association; one member of the Kaua'i County Council; and ten individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from Department of the Attorney General and Department of Agriculture.

Your Committee finds that the East Kauai Irrigation System services more than 12,500 acres of agricultural land on Kauai. The system includes two reservoirs and twenty-two miles of ditch and has historically serviced thousands of acres of state and private lands. In particular, it services more than 1,000 acres of the state Kalepa lands located between Kapaa and Lihue. In recent years, through the action of the Agribusiness Development Corporation, nearly three hundred acres have been leased to farmers who are actively developing crops, including ginger and sweet potatoes.

Your Committee further finds that the Department of Land and Natural Resources currently has oversight of the irrigation system and is focused on addressing public health and safety and preserving the viability of the irrigation system for future use, not the continued delivery of water to various users. Moving forward, the Department's primary objective is to work collaboratively with Kauai legislators to find an appropriate public or private entity that can assume management and operation of the system as had previously been done by the East Kauai Water Users' Cooperative. Your Committee believes this measure satisfies that objective by ensuring the ongoing operation of the irrigation system by the Department of Agriculture in support of local agriculture. Your Committee notes that if the primary objective cannot be met, the Department of Land and Natural Resources will pursue shutdown of the irrigation system, including breaching the reservoirs, as a last resort.

Your Committee recommends that the Department of Agriculture coordinate with your Committee on Ways and Means to determine the appropriation amount of the general obligation bonds as may be necessary for the purpose of assisting the Agricultural Resource Management Division with plans, designs, land acquisition, and equipment to increase state irrigation system capacity statewide.

Your Committee has amended this measure by:

- (1) Clarifying that the Department of Agriculture may contract with the East Kauai Water Users' Cooperative, or any other entity, to bill and collect fees to operate and maintain the system until positions are filled;
- (2) Authorizing the three-year deadline given by the Department of Land and Natural Resources to the East Kauai Water Users' Cooperative to obtain a stream diversion works permit to be extended for no more than three years, until July 1, 2023, rather than two years until July 1, 2022;
- (3) Changing the lapse date of the general obligation bonds from 2023 to 2022;
- (4) Inserting an appropriation amount of \$500,000 for the operations and maintenance of the East Kauai Irrigation System, including the Agricultural Resource Management Division staff salaries; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2099, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2099, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2388 Agriculture and Environment on S.B. No. 2726

The purpose and intent of this measure is to require, beginning August 1, 2021, the Department of Health to annually adjust the deposit beverage container fee by the percentage, if any, by which the Consumer Price Index for All Urban Consumers in the Honolulu area published by the Bureau of Labor Statistics of the federal Department of Labor for that calendar year exceeds the Consumer Price Index for All Urban Consumers for the prior calendar year.

Your Committee received testimony in support of this measure from the Department of Health; Reynolds Recycling, Inc.; Surfrider Foundation Oahu; and one individual. Your Committee received testimony in opposition to this measure from the Hawaii Food

Industry Association and American Beverage Association. Your Committee received comments on this measure from the Department of Environmental Services of the City and County of Honolulu, Public Works Department of the County of Kaua'i, and Tax Foundation of Hawaii.

Your Committee finds that since January 2005, the deposit beverage container program has assisted residents to recycle over 7,000,000,000 containers. Through recycling, consumers help to remove these containers from the waste stream and also reduce litter in the community. The program certifies independent recycling companies to operate certified redemption centers statewide who provide Hawaii consumers with refunds of the five-cent deposit fee that is paid for eligible containers. The Department of Health then pays each certified redemption center a handling fee of not less than five cents for each deposit beverage container redeemed.

Your Committee finds that this measure was intended to require annual adjustment of the deposit beverage container program handling fees, and due to an oversight, this measure mistakenly includes language to adjust the deposit beverage container fee.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have required the Department of Health to annually adjust the deposit beverage container fee under section 342G-102, Hawaii Revised Statutes, based on percentage changes in the Consumer Price Index for the Honolulu area;
- (2) Inserting language to require the Department of Health to annually adjust the handling fees for the deposit beverage container program under section 342G-117, Hawaii Revised Statutes, to an amount not less than the handling fee in the prior calendar year as adjusted by percentage changes in the Consumer Price Index for the Honolulu area; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2726, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2726, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Ruderman).

SCRep. 2389 Agriculture and Environment on S.B. No. 2705

The purpose and intent of this measure is to extend the important agricultural land qualified agricultural cost tax credit that will expire at the end of the 2021 tax year.

Your Committee received testimony in support of this measure from the Department of Agriculture; Office of Planning; Kamehameha Schools; Hawaii Cattlemen's Council, Inc.; Land Use Research Foundation of Hawaii; Hawai'i Farm Bureau; Ulupono Initiative; and one individual. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that article XI, section 3, of the Hawaii Constitution provides:

The State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self sufficiency and assure the availability of agriculturally suitable lands. The legislature shall provide standards and criteria to accomplish the foregoing.

Lands identified by the State as important agricultural lands needed to fulfill the purposes above shall not be reclassified by the State or rezoned by its political subdivisions without meeting the standards and criteria established by the legislature and approved by a two-thirds vote of the body responsible for the reclassification or rezoning action.

Your Committee further finds that to address the issue of important agricultural lands, Act 183, Session Laws of Hawaii 2005, established standards, criteria, and mechanisms to identify important agricultural lands and to implement the intent and purpose of article XI, section 3, of the Hawaii Constitution. Act 233, Session Laws of Hawaii 2008, subsequently established incentives under the requirements of Act 183, including the important agricultural land qualified agricultural cost tax credit. Your Committee finds that the tax credit should be extended to allow landowners and farmers to claim the tax credit as their agricultural lands are identified as potential important agricultural lands and designated as such by the Land Use Commission.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2705 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2390 Labor, Culture and the Arts on S.B. No. 2193

The purpose and intent of this measure is to limit the convictions that may be used in employment decisions from all convictions in the most recent ten years to felony convictions that occurred in the most recent five years and misdemeanor convictions that occurred in the most recent three years.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Office of Hawaiian Affairs, Community Alliance on Prisons, American Civil Liberties of Hawai'i, 'Ahahui o Hawai'i Advocates for Native Hawaiian Justice at the William S. Richardson School of Law, International Longshore Warehouse Union Local 142, and seven individuals. Your Committee received comments on this measure from the Department of Human Resources Development and Department of Human Resources of the City and County of Honolulu.

Your Committee finds that meaningful opportunities for gainful and legitimate employment are necessary for people with criminal records to achieve economic stability for themselves and their families. Your Committee also finds that legitimate employment is significantly correlated with lower recidivism rates for individuals with past convictions, and ensuring more meaningful employment opportunities for people with criminal records may therefore be key to reducing crime and improving public safety in the long-term.

Your Committee further finds that unfortunately, a job applicant's criminal record, including their conviction history, can itself serve as a barrier to employment opportunities, as employers may have express or unconscious biases against hiring or retaining those with a record, even where those records are extremely old, for relatively minor crimes, or unrelated to specific employment opportunities. Recognizing this, the Hawaii legislature was at the forefront of a national movement to pass "ban the box" legislation, which was intended to address the employment hurdles that people with criminal records face. Hawaii's current "ban the box" law generally prohibits the use of arrest and court records as a basis for employment discrimination, subject to exceptions for certain occupations, and for the use of conviction records up to ten years old, if those records have a "rational relationship" to the duties and responsibilities of the position in question.

Your Committee also finds that unfortunately, Hawaii's current "ban the box" law, and specifically its ten-year conviction record "lookback" exception, may continue to facilitate employment discrimination against individuals who have a criminal history, but who have long since paid their debt to society, and who pose little to no risk to an employer or the public. For example, employers may use conviction information they acquire in a ten-year background check explicitly allowed under the law to ostensibly justify discrimination against those with a conviction record, regardless of the age of their conviction or relevance to the job at hand. Even employers and human resource professionals with good intentions may be affected by unconscious biases and make adverse decisions against wholly qualified employees and prospective employees who have a ten-year-old record. Compounding this problem, background checks are often inaccurate, and can still show arrest and expunged records in conflict with what is currently allowed to be used under the existing statute; accordingly, even those who have not been convicted of a crime or who have had their records expunged may continue to face employment challenges as a result of the currently allowed ten-year "lookback" period.

Your Committee notes that the currently allowed ten-year lookback period for conviction records should be shortened to reduce unnecessary employment discrimination against those with old and relatively minor conviction records, in furtherance of their economic self-sufficiency, and to reduce crime and recidivism rates.

This measure therefore serves to limit the convictions that may be used in employment decisions from all convictions in the most recent ten years to felony convictions that occurred in the most recent five years and misdemeanor convictions that occurred in the most recent three years. This measure is not intended to amend or affect existing exceptions that explicitly allow the use of criminal history-related records for certain occupations (such as department of education employees) and specific circumstances (such as sex offender registration).

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2193 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 2391 Education on S.B. No. 2486

The purpose and intent of this measure is to require the Department of Education to:

- (1) Establish a standardized data collection process;
- (2) Collect and analyze data relating to, among other things, student discipline, school climate, and student achievement; and
- (3) Annually report certain information to the Board of Education, Legislature, and the public.

Your Committee received testimony in support of this measure from the Department of Education, American Civil Liberties Union of Hawaii, AAUW of Hawaii, Special Education Advisory Council, Hawaii Children Action Network Speaks!, Common Cause Hawaii, and five private individuals. Your Committee received comments on this measure from the Hawaii Disability Rights Center.

Your Committee finds that the United States Department of Education requires all school districts to submit biennially a set of data indicators called the Civil Rights Data Collection. The last published collection was the 2015-2016 school year. The Department of Education sends a guidance memo out each time the Civil Rights Data Collection needs submission but does not have official policies or requirements for how individual schools and complex areas must submit and verify this data. Individual principals send in their data, and it is up to those principals and complex area superintendents to verify this data. The Department of Education does not verify the accuracy of this data or enforce data collection best practices.

Your Committee further finds that the Department of Education does not adequately publish or make available data to families and advocates. The types of data collection and analysis required in this measure have been implemented in part or whole in over thirty states. This legislation is necessary to identify instances of disparity between the most vulnerable populations of students and ensure that the disparities are rectified.

Your Committee has amended this measure by:

- (1) Including student seclusion and restraint data in the report;
- (2) Increasing the number of students in a particular data subgroup to 10 for data to be reported;
- (3) Including public charter schools; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2486, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2486, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kanuha).

SCRep. 2392 Ways and Means on S.B. No. 585

The purpose and intent of this measure is to clarify that the Department of Education shall use moneys in the school-level minor repairs and maintenance special fund only for school-level minor repairs and maintenance.

Your Committee received written comments in support of this measure from the Department of Education.

Your Committee finds that clarifying that moneys in the school-level minor repairs and maintenance special fund are to be used only for school-level minor repairs and maintenance will ensure that moneys in the special fund are properly expended.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 585, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 585, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 8. Noes, none. Excused, 5 (English, Inouye, Kahele, Moriwaki, Taniguchi).

SCRep. 2393 Government Operations on S.B. No. 2209

The purpose and intent of this measure is to upgrade the sound systems in the State Capitol auditorium and conference rooms to allow for optimal civic participation. The updated sound system would provide upgraded audio in-person on Capitol TV and via 'Olelo Community Television.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services and Community Alliance on Prisons.

Your Committee finds that the current sound system is outdated and does not allow for optimal civic participation from people trying to hear testimony in the room, on Capitol TV, or on 'Olelo Community Television. An upgraded sound system would promote increased civic engagement.

Your Committee has amended this measure by amending the findings section to add the intent that the upgraded sound system be compatible with technology that would permit Web-based or video technology. Your Committee notes the desire of neighbor island residents to be able to testify, and the obvious cost efficiency of ensuring current upgrades will support any necessary and/or future technology as we increase the ability of all residents of our island state to participate in the legislative process.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2209, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2209, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2394 Government Operations on S.B. No. 2795

The purpose and intent of this measure is to appropriate money for a full-time position, operating costs and equipment to administer the Lieutenant Governor's Address Confidentiality Program to protect survivors of domestic abuse.

Your Committee received testimony in support of this measure from the Lieutenant Governor, Planned Parenthood Votes Northwest and Hawaii, the Domestic Violence Action Center, and an individual. Your Committee received testimony in opposition to this measure from an individual.

Your Committee finds that moneys are necessary to implement the program, and that the Act establishing the program did not make the necessary appropriations.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2795, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2795, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

SCRep. 2395 Government Operations on S.B. No. 2839

The purpose and intent of this measure is to require an assessment of a \$50 fee for the reissuance of a state payroll check that is lost, altered, or otherwise made fraudulent.

Your Committee received testimony in support from the Department of Accounting and General Services. Your Committee received testimony in opposition to this measure from the Hawaii Government Employees Association.

Your Committee finds that it is beneficial to convert from paper checks to a direct deposit system, thereby streamlining the payroll process, and preventing lost or altered checks. Your Committee finds that the process of reissuing a paper check takes time and effort and may take up to two weeks. Your Committee notes that a nominal fee may provide incentive to encourage state employees to sign up for the direct deposit of their paycheck. However, according to testimony received by your Committee, because most financial institutions charge a \$25 to \$35 assessment on returned checks, a \$50 fee on a reissued State payroll check may not be appropriate.

Your Committee has amended this measure by:

- (1) Reducing the fee for the reissuance of a state payroll check to \$30; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2839, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2839, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

SCRep. 2396 Transportation on S.B. No. 213

The purpose and intent of this measure is to ease the restrictions placed on motorists who wish to alter their vehicle by repealing section 286-85, Hawaii Revised Statutes, which requires a reconstruction certification for vehicles that have been altered as defined by the Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Transportation; Serenity Landscaping, LLC; Drag Tech Racing; 808 Street Rods; and one hundred thirty-two individuals. Your Committee received testimony in opposition to this measure from the Honolulu Police Department, Hawaii Insurers Council, and five individuals.

Your Committee finds that the intent of section 286-85, Hawaii Revised Statutes, is to ensure that modifications to motor vehicles do not result in a significant degradation in safety. However, your Committee also finds that the people who inspect these reconstructed vehicles are not engineers and often lack the expertise necessary to make an accurate judgment of the quality of work that was done on the modifications. Your Committee further finds that crash data from the Department of Transportation do not indicate that reconstructed vehicles are a safety problem on Hawaii roads. Moreover, the reconstructed vehicle inspection program is required only on Oahu, not the neighbor islands. Your Committee notes the concerns of the Honolulu Police Department, who testified that the passage of this bill could allow dangerous modifications to the safety equipment of vehicles to go unchecked without safety oversight.

Your Committee has amended this measure by making a technical, nonsubstantive conforming amendment that removes a reference to "reconstructed vehicles" in the Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 213, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 213, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4; Ayes with Reservations (Harimoto). Noes, none. Excused, 1 (English).

SCRep. 2397 Transportation on S.B. No. 2106

The purpose and intent of this measure is to increase the safety of children in cars in the State by requiring rear facing child safety seats for children under two years of age and raising fines for certain violations of child passenger restraint laws.

Your Committee received testimony in support of this measure from the Department of Transportation and AAA Hawaii, LLC.

Your Committee finds that currently, the State has no requirement that children of any age must be in a rear facing child safety seat. Your Committee further finds that, according to the American Academy of Pediatrics, infants and toddlers should ride in a rear-facing car safety seat as long as possible, until they reach the highest weight or height allowed by their seat. Your Committee further finds that currently, eleven other states have requirements that children under the age of two ride in rear-facing car safety seats. This measure will align Hawaii with these states by requiring that children under the age of two ride in a rear-facing child safety seat when in a motor vehicle and provide stiffer penalties for those who violate this rule.

Your Committee has amended this measure by requiring any child passenger restraint system safety class that a violator must attend, be approved, rather than conducted by the judiciary's division of driver education.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2106, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2106, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Harimoto).

SCRep. 2398 Transportation on S.B. No. 2166

The purpose and intent of this measure is to promote traffic safety on Hana highway to increase the safety of motorists upon two-lane roads by requiring drivers of lead vehicles driving on two-lane roads to use turnouts and allow vehicles to pass when there is a line of vehicles behind who are unable to pass because of the two-lane road and dangerous circumstances.

Your Committee received testimony in support of this measure from the Department of Transportation and Maui County Council.

Your Committee finds that unsafe driving conditions may occur on two-lane roadways when the lead vehicle is moving slowly, causing a back-up of vehicles behind the lead vehicle, and traffic moving in the opposite direction makes passing vehicles unsafe. Your Committee further finds that this situation is frequently encountered on Hana highway, between mile markers 00 and 34, where visibility around turns is limited by natural contours of the road. This measure requires the lead vehicle to use a turnout or to pull aside to allow the vehicles behind it pass.

Your Committee finds that the Department of Transportation testified that it would like this law to be implemented on two-lane roads statewide, not just on Hana highway. Your Committee further finds that the Department of Transportation may not erect signs directing vehicles to use areas it does not own the right-of-way, such as along Hana highway. Therefore, your Committee has amended this measure by:

- (1) Deleting the specific reference to Hana highway;
- (2) Deleting the provision referring to turnout signs erected by the Department of Transportation; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2166, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2166, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Harimoto).

SCRep. 2399 Transportation on S.B. No. 2331

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to assist Keahole FBO I LLC with planning, designing, constructing, equipping, and operating facilities for aviation services and aviation-related services at Ellison Onizuka Kona International Airport at Keahole.

Your Committee received testimony in support of this measure from Keahole FBO I LLC and Isemoto Contracting Co., Ltd. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that Keahole FBO I LLC is an aviation company that has a lease with the Department of Transportation, of approximately 15.94 acres at the Ellison Onizuka Kona International Airport. Your Committee finds that Keahole FBO I LLC intends to develop a fixed-base hanger facility to support its general, commercial, and public aviation operations, including hangers, fuel farm, and aviation infrastructure for aviation and aviation related services mainly for private jets. Keahole FBO I LLC's work will also include development of infrastructure for the Department of Transportation in order to provide utility services for other Department of Transportation sites. Your Committee further finds that in addition to taxes, fuel sales, and lease rent, Keahole FBO I LLC's project is expected to generate substantial economic growth for the State and the Kona region with increased revenue through the creation of more jobs and enhanced the visitor experiences. This measure will aid Keahole FBO I LLC in accomplishing these goals.

Your Committee has amended this measure by:

- (1) Setting the special purpose revenue bonds not to exceed \$50,000,000; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2331, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2331, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Harimoto).

SCRep. 2400 (Joint) Education and Transportation on S.B. No. 2325

The purpose and intent of this measure is to mandate that all school bus contracts be required to be fulfilled entirely by vehicles propelled by electric power or non-fossil fuels and be equipped with seat belt assemblies by January 1, 2030.

Your Committees received testimony in support of this measure from Surfrider Oahu. Your Committees received comments on this measure from the Department of Education and Akina Tours and Transportation.

Your Committees find that electric power technology can be expected to advance in the years to come. This is likely to provide improvements in efficiencies and reduce the cost to manufacture and operate electric school buses. While electric vehicles are one option, hydrogen fuel cell technology is quickly developing into what could be another viable alternative to electric buses. At present, however, industry trends suggest that electric school buses will continue to be the predominant means of non-fossil fuel propulsion. Your Committees further find that three-point passenger safety restraints on school bus vehicles are quickly becoming a much more affordable option in the school bus manufacturing industry. Although three-point passenger safety restraints have not yet become standard equipment, your Committees are hopeful that it will continue to become a more commonplace safety feature in school bus design in the future.

Your Committees have amended this measure by:

- (1) Amending the date by which all school bus contracts shall require all contractor's vehicles to comply with the provisions of this measure from January 1, 2030, to July 1, 2050, to encourage further discussion; and
- (2) Requiring the Department of Education to report to the Legislature on potential costs, industry and technology trends, practical experiences of local stakeholders, and other matters that may affect the implementation of this measure.

As affirmed by the records of votes of the members of your Committees on Education and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2325, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2325, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Education: Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

Transportation: Ayes, 4. Noes, none. Excused, 1 (English).

SCRep. 2401 Hawaiian Affairs on S.B. No. 42

The purpose and intent of this measure is to amend the law relating to Hawaiian affairs.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and replacing it with language to prohibit the attorney general from investigating nonprofit organizations for exercising their rights granted under the Constitution or state constitution, with exceptions.

Your Committee has amended this measure by:

- (1) Adopting the proposed S.D. 1; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 42, as amended herein, and recommends that it be recommitted to your Committee on Hawaiian Affairs, in the form attached hereto as S.B. No. 42, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

SCRep. 2402 Government Operations on S.B. No. 2840

The purpose and intent of this measure is to:

- (1) Establish an innovative project delivery partnership pilot program between the State Procurement Office and the Public Works Division, under the Department of Accounting and General Services; and
- (2) Appropriate funds for one exempt position to manage the program.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services and State Procurement Office.

Your Committee finds that projects can be delivered in a more efficient manner by increasing the effective use of state resources. This measure will authorize a pilot program which will improve the management of procurement policy, training, and assistance to state and county agencies.

Your Committee has amended this measure by:

- (1) Specifying that the program is a ten-year pilot program;
- (2) Requiring reporting on the program every two years;
- (3) Clarifying that the exempt position title is officer rather than coordinator; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2840, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2840, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

SCRep. 2403 Housing on S.B. No. 2279

The purpose and intent of this measure is to aid the Hawaii Housing Finance and Development Corporation in ensuring the continued availability of affordable rental housing in Maui County at the Front Street Apartments and Lealii affordable housing projects in Lahaina, Maui, by extending the deadline by which the Hawaii Housing Finance and Development Corporation has to negotiate a new ground lease and by extending the time by which the Hawaii Housing Finance and Development Corporation has to obtain the necessary land use entitlements.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, one member of the Maui County Council, and four individuals.

Your Committee finds that the Legislature passed Act 150, Session Laws of Hawaii 2018 (Act 150) and Act 98, Session Laws of Hawaii 2019 (Act 98) in order to help the Hawaii Housing Finance and Development Corporation preserve the affordability of the Front Street Apartments in Lahaina, Maui and to expedite and complete the Lealii affordable housing project in Lahaina, Maui. Your Committee further finds that Act 150 and Act 98 required the Hawaii Housing Finance and Development Corporation to either renegotiate a new ground lease or institute condemnation of the ground lease for the Front Street Apartments by December 31, 2019. Due to a federal litigation regarding the Front Street Apartments, the Hawaii Housing Finance and Development Corporation has been unable to obtain an accurate appraisal of the value of the ground lease, preventing it from either negotiating a new ground lease or condemning the ground lease.

Your Committee further finds that moneys appropriated to Hawaii Housing Finance and Development Corporation for the construction of the Lealii affordable housing project are subject to the Hawaii Housing Finance and Development Corporation obtaining necessary Maui County land use entitlements by April 30, 2020. However, due to application wait times, the Hawaii Housing Finance and Development Corporation may not receive the land use entitlements by April 30, 2020. As such, this measure extends the time the Hawaii Housing Finance and Development Corporation has to obtain a fair market value of the Front Street Apartments ground lease and to obtain the land use entitlements for the Lealii affordable housing project.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2279 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2404 Housing on S.B. No. 2216

The purpose and intent of this measure is to reduce the number of homes in Hawaii which sit vacant by imposing an empty homes tax on homes that have been empty for more than fifty days in a calendar year.

Your Committee received testimony in support of this measure from the Americans for Democratic Action, Imua Alliance, and one individual. Your Committee received testimony in opposition to this measure from the Hawai'i Association of Realtors, Building Industry Association Hawaii, and Hawaii Bankers Association. Your Committee received comments on this measure from the Department of the Attorney General, Department of Taxation, and Tax Foundation of Hawaii.

Your Committee finds that the housing shortage would be partially alleviated if there were less housing units in Hawaii that sat vacant for much of the year. Your Committee notes that the Department of Taxation's current methods of receiving tax payments and filings include computer and e-filing. Your Committee further notes the Department of the Attorney General's testimony that the Constitution of the State of Hawaii reserves the power to implement property taxes exclusively to the counties. Your Committee further notes that it wishes to investigate, along with the Department of the Attorney General, whether the vacant home tax could be implemented as a usage or non-usage fee. Accordingly, your Committee has amended this measure by:

- (1) Changing the tax from a tax which is collected monthly, to a conveyance tax;
- (2) Clarifying that the tax will be based upon the county real property tax assessed value;
- (3) Clarifying that a housing unit qualifies for the empty home tax if it is in use less than fifty days in a calendar year;
- (4) Eliminating the requirement that the tax be paid by "cash, bank draft, cashier's check, money order, or certificate of deposit";
- (5) Eliminating the requirement that the tax payment and filing of the tax return be transmitted to the district;
- (6) Amending Section 231-8.5, Hawaii Revised Statutes to include the empty homes tax among those returns which must be e-filed;
- (7) Amending the effective date to be January 1, 2021; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2216, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2216, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2405 Housing on S.B. No. 2647

The purpose and intent of this measure is to encourage land owners to accept more tenants who participate in housing voucher programs by establishing the landlord incentive program special fund; which reimburses land owners who participate in the section 8 housing choice voucher program for repair costs of tenant-caused property damage when the repair costs exceed the tenant's security deposits.

Your Committee received testimony in support of this measure from the Hawaii Public Housing Authority, one member of the County Council of Maui, and one individual. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that Act 215, Session Laws of Hawaii 2019, created the Hawaii Public Housing Authority's landlord incentive program. Your Committee further finds that the Hawaii Public Housing Authority has drafted the necessary Hawaii Administrative Rules, consulted with Hawaii Public Housing Authority's resident advisory board, and held a public hearing to incorporate the program into Hawaii Public Housing Authority's amended annual plan for the fiscal year 2019-2020.

Your Committee additionally finds that there are many landlords who are reluctant to lease their units to section 8 voucher holders, leaving many families who hold valid vouchers no choice but to return it unused. Your Committee further finds that the landlord incentive program special fund will assist these voucher holders to find suitable permanent housing.

Your Committee has amended this measure by appropriating funds directly to the landlord incentive program special fund rather than amending Act 215, Session Laws of Hawaii 2019 to achieve the same goal.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2647, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2647, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2406 Housing on S.B. No. 2409

The purpose and intent of this measure is to encourage former residents to return to Hawaii by assisting them in making down payments for the purchase of primary residences.

Your Committee received testimony in support of this measure from Imua Alliance. Your Committee received testimony in opposition to this measure from the Hawaii Housing Financing and Development Corporation; Host Hotels and Resorts, Inc.; Investment Company Institute; Brookfield Properties; Waikole Premium Outlets; American Assets Trust, Inc.; Public Storage Hawaii Properties, LLC; Park Hotels & Resorts, Inc.; Hawai'i Association of Realtors; National Association of Real Estate Investment Trusts, Inc.; Land Use Research Foundation of Hawaii; Alexander & Baldwin Investments, LLC; OPTrust; Chamber of Commerce Hawaii; Securities Industry and Financial Markets Association; Douglas Emmett; and one individual. Your Committee received comments on this measure from the Department of Taxation, Department of Budget and Finance, and Tax Foundation of Hawaii.

Your Committee finds that the State has had a net loss of residents in past years. Those who move away from Hawaii cite the high cost of living as a deciding factor. Your Committee further finds many who move away from Hawaii are often skilled and educated members of the workforce. In addition, your Committee finds that the failure to stem this loss represents a danger to Hawaii's economic future. This measure will provide an incentive for former residents and aid current residents to move back home by assisting them pay a down payment on the purchase of a primary residence.

Your Committee finds that the down payment program should be available to both current and future returning residents. Your Committee clarifies that the intent of this measure would be furthered if the program is restricted to only those purchasers who intend to own and occupy the residences.

Your Committee additionally finds that the Department of Taxation testified that one of the funding mechanisms for the down payment program, the taxation of real estate investment trusts, is administratively problematic. Your Committee notes that the Department of Taxation's testimony is that the potential benefits of this tax would not outweigh these problems. Accordingly, your Committee has amended this measure by:

- (1) Deleting the provisions relating to the taxation of Real Estate Investment Trusts;
- (2) Making available the down payment assistance to both existing residents and residents returning from out of state;
- (3) Requiring that buyers be Hawaii residents who are owner-occupants, and who own no other real property;
- (4) Changing the effective date to July 1, 2020; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2409, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2409, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2407 Housing on S.B. No. 2625

The purpose and intent of this measure is to encourage homeownership among low- and moderate-income households by establishing an Affordable Homeownership Revolving Fund within the Hawaii Housing Finance and Development Corporation which provides loans to nonprofit housing development organizations, and community development financial institutions for the development of affordable homeownership housing projects. Makes an appropriation into and out of the Affordable Homeownership Revolving Fund.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation; Catholic Charities Hawai'i; Partners in Care; Hawaii Habitat for Humanity Association, Inc.; Hawai'i Community Lending, Inc.; Hawaiian Community Assets, Inc.; Hawaii Island HIV/AIDS Foundation; Kona Alano Club; Hawai'i Island Housing Coalition; Community Alliance Partners; Hawai'i Alliance for Community-Based Economic Development; Imua Alliance; Neighborhood Place of Puna; and three individuals. Your Committee received comments on this measure from Department of Budget and Finance.

Your Committee finds that homeownership is positively correlated with economic and social stability in low- and moderate-income households. However, in the last fifty years, the number of full time Hawaii residents who own homes has steadily declined. Currently, Hawaii has the third lowest homeownership rate of any state in the nation. Your Committee further finds that the self-help housing model is a cost-effective means of assisting low-income families who would otherwise not have a homeownership opportunity. Your Committee further finds that while there are funds available from the United States Department of Housing and Urban

Development and the United States Department of Agriculture's Rural Development program, additional non-federal matching funding is needed. This measure would help provide that additional funding.

Your Committee finds that the Hawaii Housing Finance and Development Corporation testified that the limited funds available to it would be best spent to develop housing rather than capacity building of nonprofit housing developers. Accordingly, your Committee has amended this measure by deleting references to "capacity building of nonprofit housing developers" and deleting references to "nonprofit housing trust programs".

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2625, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2625, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2408 Housing on S.B. No. 2627

The purpose and intent of this measure is to assist low-income household renters by adjusting the eligibility requirements under the income tax credit for low-income household renters by increasing the adjusted gross income threshold and by increasing the base amount of the credit.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association, Imua Alliance, Hawaii Appleseed Center for Law & Economic Justice, and three individuals. Your Committee received comments on this measure from the Department of Taxation, Tax Foundation of Hawaii, and League of Women Voters Hawaii.

Your Committee finds that homelessness is a serious problem in Hawaii, due in part to the high cost of housing in the State. Since 1977, the State has made tax credits available in order to assist eligible renters. Your Committee finds that this tax credit is the third most commonly used among Hawaii residents. However, the income eligibility threshold was last adjusted in 1989 and the credit amount allowed was last adjusted in 1981. Your Committee finds that since 1989, the cost of housing has increased by three-hundred ninety per cent. This measure raises the income eligibility threshold and increases the base amount by which the tax credits are calculated.

Your Committee further finds that phasing out the tax credit as income rises helps to avoid a tax "cliff" which is when a taxpayer loses an entire credit when their annual income rises just over the limit. Your Committee additionally finds that families of different sizes require different amounts of credits. Accordingly, your Committee has amended this measure by:

- (1) Establishing income brackets in order to phase out the tax credit as a taxpayer's income rises;
- (2) Creating categories based on different types of households;
- (3) Increasing the maximum amount of credit taxpayers may receive; and
- (4) Making technical changes recommended by the Department of Taxation for ease of administration.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2627, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2627, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2409 Housing on S.B. No. 2206

The purpose and intent of this measure is to seek to address homelessness by authorizing the issuance of general obligation bonds and appropriating funds for capital improvement projects to create more affordable housing consistent with the purposes of the rental housing revolving fund.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, Governor's Coordinator on Homelessness, Democratic Party of Hawai'i, Partners in Care, Hawaii Kai Homeless Task Force, and Catholic Charities Hawai'i.

Your Committee finds that according to the United States Department of Housing and Urban Development, on a single night in January 2018, California and Hawaii had the highest rates of homelessness among all individuals, with fifty-nine and fifty-eight out of every ten thousand individuals, respectively, experiencing homelessness. Your Committee further finds that in 2017, Hawaii's homelessness rate went down for the first time in eight years. In 2018, the Legislature made unprecedented levels of investment in low-income housing and homelessness solutions, appropriating \$200,000,000 for the rental housing revolving fund, \$30,000,000 for the ohana zones pilot program, and \$13,500,000 for other homelessness programs. Your Committee further finds that investments of this scale must be made consistently in the coming years. This measure will further this goal by authorizing the issuance of general obligation bonds in order to fund the rental housing revolving fund.

Therefore, your Committee has amended this measure by depositing the funds appropriated by the general obligation bonds into the rental housing revolving fund. Your Committee notes that the Governor's Coordinator on Homelessness supports setting aside a portion of funding to develop housing units prioritized for individuals and families transitioning out of homelessness.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2206, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2206, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2410 (Majority) Housing on S.B. No. 2037

The purpose and intent of this measure is to restrict any county from disapproving or imposing certain conditions on a housing development project for housing or an emergency shelter unless the county meets certain requirements.

Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Governor's Coordinator on Homelessness and Department of Agriculture.

Your Committee finds that over the past four years, the Governor has used emergency proclamations to address homelessness by accelerating construction of housing projects. Through the use of proclamations, a total of 354 new permanent housing units were produced and set aside for individuals and families transitioning from homelessness. Your Committee further finds that emergency proclamations are not intended to be extended indefinitely and measures are needed to streamline housing development without the use of emergency declaration. This measure will help expedite the production of housing development projects or emergency shelters. Your Committee further finds that the dwelling unit revolving fund supports the development of affordable housing projects statewide. Accordingly, your Committee has amended this measure by:

- (1) Requiring that all fines paid pursuant to this measure be paid into the dwelling unit revolving fund;
- (2) Clarifying that the term "housing development project" applies to residential units that are priced to be affordable to those residents at or below one hundred per cent area median income;
- (3) Deleting provisions which could be contradictory; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2037, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2037, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, 2 (Moriwaki, Thielen). Excused, none.

SCRep. 2411 Ways and Means on S.B. No. 2920

The purpose and intent of this measure is to conform Hawaii income and estate and generation-skipping transfer tax laws to the Internal Revenue Code.

Your Committee received testimony in support of this measure from the Department of Taxation.

Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that this annual conformity measure is submitted by the Department of Taxation in compliance with section 235-2.5, Hawaii Revised Statutes, which requires the Department to annually submit a measure to maintain state income tax conformity with the federal Internal Revenue Code. This measure is also intended to comply with section 236E-4, Hawaii Revised Statutes, which requires the Department to annually submit a measure to maintain state estate and generation-skipping transfer tax conformity with the federal Internal Revenue Code. The purpose of conformity is to update the state tax laws with those changes made to the federal Internal Revenue Code during the past year and to adopt those changes that are appropriate for Hawaii law.

Your Committee has amended this measure by making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2920, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2920, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Kaehele).

SCRep. 2412 Water and Land on S.B. No. 2953

The purpose and intent of this measure is to:

- (1) Make clarifications regarding removal of unauthorized vessels on state property;
- (2) Make clarifications regarding the definition of an abandoned vessel;
- (3) Change the time limit to claim an unauthorized vessel that is impounded by the Department of Land and Natural Resources from thirty days to ten working days;
- (4) Change the time limit to claim an abandoned vessel that is impounded by a state or county agency from twenty days to ten working days;
- (5) Make abandonment of a vessel on waters of the State or public property a petty misdemeanor;
- (6) Make clarifications to auction requirements regarding abandoned vessels;
- (7) Set the time limit for a vessel owner or operator to remove unauthorized, abandoned, and grounded vessels at twenty-four hours; and

(8) Allow the Department of Land and Natural Resources to charge an impound storage fee.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that vessel ownership and operation come with many responsibilities and that vessels likewise pose significant threats to natural resources and to public health and safety if abandoned, neglected, or left in disrepair. Your Committee further finds that unauthorized, abandoned, grounded, and derelict vessels on state property and in waters of the State must be removed as soon as possible to minimize the hazards they pose to the public while balancing the vessel owner's right to due process.

Your Committee also finds that since 2002, the Department of Land and Natural Resources, Division of Boating and Ocean Recreation has expended in excess of \$2,340,000 from the Boating Special Fund to address vessels unauthorized, abandoned, grounded, and derelict vessel on state property or in the waters of the State. However, under existing law, in many instances, by the time the Department of Land and Natural Resources can begin removing an unauthorized, abandoned, grounded, or derelict vessel, the condition of the vessel has deteriorated, further complicating removal efforts and increasing the potential to create health, safety, and natural resource threats. This measure amends provisions regarding designation, impoundment, and disposal of unauthorized, abandoned, grounded, and derelict vessels on state property or in the waters of the State to facilitate faster responses for these types of incidents.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 31, 2033, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2953, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2953, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2413 Water and Land on S.B. No. 3094

The purpose and intent of this measure is to appropriate funds to the Department of Land and Natural Resources for the operations of the Kahoolawe Island Reserve Commission and for two full-time equivalent positions on the Commission.

Your Committee received testimony in support of this measure from the Kaho'olawe Island Reserve Commission, Hawaiian Trail and Mountain Club, Ocean Tourism Coalition, and twenty-four individuals.

Your Committee finds that additional funding and personnel are needed to support the operations of the Kahoolawe Island Reserve Commission. The Commission was established by the Legislature in 1993 to address ecological and environmental damage caused to Kahoolawe by United States Navy live fire training exercises. The Legislature has previously recognized the significant cultural and historical importance of Kahoolawe to the native people of Hawaii. This measure will provide additional funding to the Kahoolawe Island Reserve Commission that is needed to support its efforts to restore the island, protect endangered and rare flora and fauna, and ensure the safety of visitors to the Kahoolawe island reserve.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3094 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2414 (Majority) Hawaiian Affairs on Gov. Msg. No. 507

Recommending that the Senate advise and consent to the nomination of the following:

DEPUTY TO THE CHAIRPERSON OF THE HAWAIIAN HOMES COMMISSION, DEPARTMENT OF HAWAIIAN HOME LANDS

G.M. No. 507 TYLER I. GOMES, for a term to expire at noon on 12-05-2022 (title amended to Deputy to the Chairperson of the Hawaiian Homes Commission, Department of Hawaiian Home Lands by GM511)

Your Committee reviewed the personal history, resume, and statement submitted by Tyler I. Gomes for service on the Department of Hawaiian Home Lands.

Your Committee received testimony in support of the nomination for the appointment of Tyler I. Gomes from the Office of the Governor; Department of Land and Natural Resources; Department of Accounting and General Services; Department of Hawaiian Home Lands, Department of Labor and Industrial Relations; Department of Transportation; Department of Commerce and Consumer Affairs; Department of Public Safety; Department of Human Resources Development; Department of Budget and Finance; Department of Health; Department of Taxation; Department of Agriculture; Office of Enterprise Technology Services; Hawaii State Energy Office; one member of the Honolulu City Council; Ka Ohana O Kahikinui; Portuguese Chamber of Commerce; Honolulu Habitat for Humanity; Oahu Economic Development Board; Maui Humane Society; PBR Hawaii & Associates, Inc.; and seventy individuals. Your Committee received testimony in opposition to the nomination for the appointment of Tyler I. Gomes from Keaukaha Community Association; Ho'omana Pono, LLC; and fifteen individuals.

Your Committee finds that Mr. Gomes is a graduate of Kamehameha Schools, attended Tufts University, received a bachelor's degree in Olelo Hawaii from the University of Hawaii, and graduated with a juris doctorate and received a certificate in native

Hawaiian law from the William S. Richardson School of Law. In 2013, Mr. Gomes spent over four years as an attorney for the Office of the Public Defender where he was required to be committed to protecting the constitutional rights of Hawaii's most in-need populations, at times, in the face of egregious facts and building a strong emotional and mental back bone in the face of oversights by the courts and judges.

In 2018, Mr. Gomes was a partnerships manager at Elemental Excelerator, a partnership network of local business, nonprofit organizations, education and philanthropic institutions including Kamehameha Schools. While with Elemental Excelerator, Mr. Gomes was exposed to the concept of the innovation economy and the vast market for innovative technologies. Mr. Gomes was also provided with the opportunity to network with members of the Hawaii business roundtable as a member of the task force responsible for shaping its message. The relationships he made at Elemental Excelerator are crucial to the Department of Home Lands' efforts to develop partnerships across agencies and organizations to continue its mission.

Your Committee finds that Mr. Gomes is a strong communicator, problem solver, and is willing to listen to others. He is deeply committed to public service and has numerous plans to improve the goals of the Department of Hawaiian Home Lands. One of his plans is to improve staff morale and he has made it a priority to better engage with all staff members and take their suggestions to heart, fill key agencies, upgrade positions and restructure divisions, and include staff in more opportunities to understand department-wide decisions and operations. Mr. Gomes is also committed to acting in the best interest of the Hawaiian homes trust beneficiaries. Therefore, your Committee recommends that Mr. Gomes be appointed as Deputy to the Chairperson of the Hawaiian Homes Commission, Department of Hawaiian Home Lands based on his experience, passion, and commitment.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, 1 (Fevella). Excused, none.

SCRep. 2415 (Majority) Hawaiian Affairs on Gov. Msg. No. 506

Recommending that the Senate advise and consent to the nomination of the following:

CHAIRPERSON OF THE HAWAIIAN HOMES COMMISSION, DEPARTMENT OF HAWAIIAN HOME LANDS

G.M. No. 506 WILLIAM J. AILA, for a term to expire 12-31-2022 (title amended to Chairperson of the Hawaiian Homes Commission, Department of Hawaiian Home Lands by GM510)

Your Committee reviewed the personal history, resume, and statement submitted by William J. Aila for service on the Department of Hawaiian Home Lands.

Your Committee received testimony in support of the nomination for the appointment of William J. Aila from the Office of the Governor; Department of Labor and Industrial Relations; Department of Accounting and General Services; Department of Public Safety; Department of Transportation; Department of Land and Natural Resources; Department of Business, Economic Development, and Tourism; Department of Human Resources Development; Department of Budget and Finance; Department of Agriculture; Department of Human Services; Department of Taxation; Department of Health; Department of Commerce and Consumer Affairs; Hawaiian Homes Commission; Office of Enterprise Technology Services; Hawaii State Energy Office; Hawaiian Community Development; Ko'olau Foundation; Hokukahu, LLC; DeBartolo Development; Kobayashi Sugita & Goda, LLP; Hawaii Conservation Alliance Foundation; Mohala I Ka Wai; Ko'olaupoko Hawaiian Civic Club; Oahu Economic Development Board; Maui Humane Society; PBR Hawaii & Associates, Inc.; Hawaii Operating Engineers Industry Stabilization Fund; Honolulu Habitat for Humanity; Makaha Hawaiian Civic Club; National Oceanic and Atmospheric Administration; Kina'ole Foundation; Sanji PM LLC; Pacific Strategies LLC; Nanakuli Housing Corporation; Aloha Ke Akua; Waiohuli Hawaiian Homesteaders Inc.; Capital Consultants of Hawaii; and one hundred eleven individuals. Your Committee received testimony in opposition to the nomination for the appointment of William J. Aila from the Keaukaha Community Association; The Villages of La'iohuna Association; O'oma Homestead Alliance, LLC; La'i'Opua Community Development Corp.; Helekunihii Cultural Foundation; Maku'u Farmers Association; Beneficiary Trust Council; Pana'ewa Hawaiian Home Lands Community Association; Ku Kia'i Kahuku; Keaukaha Pana'ewa Farmers Association; Association of Hawaiians for Homestead Lands; Anahola Hawaiian Homestead Association; and one hundred nineteen individuals. Your Committee received comments on the nomination for the appointment of William J. Aila from one individual.

Your Committee finds that Mr. Aila is a graduate of Wai'anae High School and received a Bachelor of Science degree in General Tropical Agriculture from the University of Hawaii at Manoa. Mr. Aila resides with his family on a Hawaiian Home Lands agricultural lease and has been a committed community servant for decades, serving on the National Marine Protected Areas Advisory Council, Ka'ena Point Advisory Group, Advisory Group to the U.S. Army Garrison Hawaii, U.S. Army Ordnance Reef Advisory Committee, Leeward Community College Wai'anae Campus - Advisory Board, Hui I Malama I Na Kupuna O Hawaii Nei, Ka Papa O Kakuhihewa, Hawaii Community Development Authority, and Wai'anae Weed and Seed Task Force, among others.

Mr. Aila worked as a commercial fisherman for twenty-eight years then for the Department of Land and Natural Resources as a Harbor Agent for the Wai'anae Boat Harbor for over twenty years. Mr. Aila was then appointed to lead the Department of Land and Natural Resources, as Chairperson of the Board of Land and Natural Resources, from 2010 through 2014, where his accomplishments included securing the final Board of Land and Natural Resources' approval of the Hā'ena, Kaua'i community based subsistence fishing area rules, protecting critical watershed areas, expanding Hawaii's Natural Area Reserve System program, and establishing new enforcement mechanisms to protect Hawaii's cultural and natural resources.

In 2014, Mr. Aila was appointed to be the Deputy to the Chairperson of the Hawaiian Homes Commission. Additionally, from May 2019 to the present, Mr. Aila served as Chairperson of the Hawaiian Homes Commission and Director of the Department of Hawaiian Home Lands. While at the Department of Hawaiian Home Lands, Mr. Aila has begun diversifying lot offerings with products, including turnkey homes, vacant lots, and several dwellings. Mr. Aila has also taken steps toward increasing the number of products available to beneficiaries while preparing to produce one thousand three hundred lots over the next five years. Mr. Aila's other

accomplishments at the Department of Hawaiian Home Lands include completing new administrative rules for planned communities, multi-family complexes, and rental housing, which expand residential lease offering and housing opportunities. These new administrative rules for rental housing are an integral part of the release of a request for proposal issued under the leadership of Mr. Aila to develop affordable rentals at 820 Isenberg in Moilili. Given the greatest demand for residential leases on Oahu, Mr. Aila worked to secure additional land on Oahu suitable for residential development through the purchase of three parcels in Moilili from Kamehameha Schools. Finally, Mr. Aila was able to acquire forty-four acres utilizing affordable housing credits near Wailuku, Maui that have one hundred thirty-seven turnkey homes and twenty-four vacant lots scheduled to become available following an environmental assessment.

Your Committee finds that Mr. Aila's personal experience as the spouse of a homesteader who endured relocation almost nine years after accepting the original homestead award provides him with insight into the frustrations of Hawaiian home lands beneficiaries. Therefore, your Committee recommends that Mr. Aila be appointed as Chairperson of the Hawaiian Homes Commission based on his achievements, experience, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, 2 (Kahele, Fevella). Excused, none.

SCRep. 2416 Ways and Means on H.B. No. 304

The purpose and intent of this measure is to require the Department of Transportation or appropriate county agency to post depth gauge signs at certain highway locations prone to flooding.

Your Committee received written comments in support of this measure from one individual.

Your Committee finds that posting depth gauge signs at appropriate locations will help to increase highway safety by allowing drivers to easily determine the depth of water on a flooded road before deciding whether it is safe to proceed.

Your Committee has amended this measure by:

- (1) Conforming language in the measure that references the Federal Highway Administration's Manual on Uniform Traffic Control Devices with existing language in the Hawaii Revised Statutes;
- (2) Amending the definition of "depth gauge sign" to more accurately reference requirements established by the Federal Highway Administration's Manual on Uniform Traffic Control Devices;
- (3) Deleting the definition of "manual on uniform traffic control devices"; and
- (4) Amending the appropriation language to delete reference to fiscal year 2019-2020 and provide for an appropriation only in fiscal year 2020-2021.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 304, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 304, H.D. 2, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, 1 (Kahele).

SCRep. 2417 Ways and Means on H.B. No. 1121

The purpose and intent of this measure is to require the Commission on Water Resource Management to conduct a statewide framework update of the Hawaii water plan to provide additional guidance for future Hawaii water plan updates.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Department of Health, City and County of Honolulu Board of Water Supply, County of Maui Department of Water Supply, Hawaii Farm Bureau, and one individual.

Your Committee finds that updating the statewide framework for the Hawaii water plan will allow the State to better address emerging issues, such as climate change, and help to ensure the long-term protection and management of water resources. Your Committee notes that an appropriation of \$300,000 would be needed to fulfill the intent of this measure.

Your Committee has amended this measure by:

- (1) Updating the appropriation language to reflect that the appropriation is for fiscal year 2020-2021; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1121, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1121, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Kahele, Moriwaki, Taniguchi).

SCRep. 2418 Ways and Means on S.B. No. 583

The purpose and intent of this measure is to reduce the percentage of the Department of Education operating budget that the Department may utilize for administrative expenditures and increase the percentage of appropriations for the Department's total budget that may be expended by principals.

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that student success is bolstered by the efficient and effective use of the Department of Education's limited resources. Your Committee further finds that decreasing the Department's administrative expenditures and increasing the resources that may be expended by or on behalf of the Department's schools will directly benefit Hawaii's public school students.

Your Committee has amended this measure by:

- (1) Clarifying that the reduction in the percentage of the Department of Education's operating budget that may be expended on administrative expenditures applies to fiscal year 2020-2021 instead of fiscal biennium 2019-2021; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 583, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 583, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (English, Inouye, Kahele, Moriwaki, Shimabukuro, Taniguchi).

SCRep. 2419 Ways and Means on S.B. No. 584

The purpose and intent of this measure is to increase transparency regarding Department of Education projects.

Specifically, this measure requires the Department of Education to include as part of its required website posting of project information:

- (1) The source of funding for the project; and
- (2) The amount of any funds appropriated by the Legislature for repair and maintenance but used for another purpose, along with an explanation of that use.

Your Committee received written comments in support of this measure from the Department of Education.

Your Committee finds that more comprehensive disclosures by the Department of Education will help to increase accountability and fiscal responsibility regarding funds appropriated for public school facilities and other projects.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 584, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 584, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Inouye, Kahele, Moriwaki, Taniguchi).

SCRep. 2420 Ways and Means on S.B. No. 587

The purpose and intent of this measure is to facilitate public participation in the Board of Education's decision-making process.

More specifically, this measure:

- (1) Requires the Board of Education to hold not less than two annual community meetings in each county;
- (2) Removes the prohibition on community meetings held for the purpose of formulating educational policy;
- (3) Removes certain exemptions granted to the Board of Education's community meetings; and
- (4) Requires the Board of Education to video record community meetings.

Your Committee received written comments in support of this measure from the Democratic Party of Hawaii's Education Caucus.

Your Committee received written comments on this measure from the Office of Information Practices.

Your Committee finds that requiring the Board of Education to hold additional community meetings throughout the State and recording those meetings will increase public participation in the Board's decision-making process, especially among individuals who reside outside of Honolulu.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 587, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 587, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 8. Noes, none. Excused, 5 (English, Inouye, Kahele, Moriwaki, Taniguchi).

SCRep. 2421 Ways and Means on S.B. No. 594

The purpose and intent of this measure is to provide increased access to meals for students attending public schools.

Specifically, this measure:

- (1) Requires the Department of Education to implement a school meal subsidy program for income-eligible public school students who do not qualify for a free lunch under the free and reduced price lunch program;
- (2) Requires the Department of Education to adopt rules to implement the program; and
- (3) Appropriates funds for the program.

Your Committee received written comments in support of this measure from the Department of Education, Hawaii State Teachers Association, Democratic Party of Hawaii Education Caucus, and one individual.

Your Committee finds that many families having incomes near the poverty line do not qualify for their children to receive free or reduced price lunches, but yet they cannot provide, or struggle to provide, their children with nutritionally complete school lunches. Appropriating funds to provide lunches for these children will help to ensure that children have access to the proper nutrition and calories necessary for them to perform to their full academic potential.

Your Committee has amended this measure by:

- (1) Amending section 3 to delete the appropriation for fiscal year 2019-2020 and to provide for an appropriation only in fiscal year 2020-2021; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 594, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 594, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 8. Noes, none. Excused, 5 (English, Inouye, Kahele, Moriwaki, Taniguchi).

SCRep. 2422 Technology on S.B. No. 62

The purpose and intent of this measure is to amend the law relating to technology.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and replacing it with language to require the Legislature, state departments, and boards and commissions to livestream its public hearings and develop procedures for receiving remote testimony.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 62, as amended herein, and recommends that it be recommitted to your Committee on Technology, in the form attached hereto as S.B. No. 62, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Moriwaki, Wakai).

SCRep. 2423 Commerce, Consumer Protection, and Health on S.B. No. 31

The purpose and intent of this measure is to amend the law relating to health.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and replacing it with language that:

- (1) Amends the definition of “primary care providers” and “volunteer based supervised clinical training rotation” to improve accessibility for providers to receive income tax credits for acting as preceptors; and
- (2) Revises the membership of the preceptor credit assurance committee to include the director of health and director of taxation.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 31, as amended herein, and recommends that it be recommitted to your Committee on Commerce, Consumer Protection, and Health, in the form attached hereto as S.B. No. 31, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Wakai).

SCRep. 2424 Government Operations on S.B. No. 2038

The purpose and intent of this measure is to permit two or more board members to attend a state of the city, state of the county, state of the State, or state of the judiciary address without violating “sunshine” laws where meetings must be open to the public and allow

for public comment. These ceremonial and informative addresses are a necessary function of public service. The dual benefit is that board members are seen partaking in civic events, and also that they are able to hear an important speech.

Your Committee received testimony in support of this measure from the Office of Information Practices, Office of the Mayor of the County of Hawai'i, and one member of the Maui County Council.

Your Committee finds that when members of a board attend a ceremonial government event, such as State of the State, State of the City, or State of the County address, they often find themselves together listening to a presentation that includes matters that may likely be board business in the foreseeable future. Although the presentation is primarily ceremonial in nature, their attendance at the same event and their interaction with each other may be viewed as a technical violation of the Sunshine Law. This measure would specifically allow multiple board members to attend largely ceremonial events provided that they do not discuss potential board business between themselves and no commitment to vote is made.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2038 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2425 Government Operations on S.B. No. 2079

The purpose and intent of this measure is to require the Office of the Auditor to include in its annual report on special, revolving, and trust funds, an update on fund recommendations made within the past five years that have not been implemented.

Your Committee received comments on this measure from the Office of the Auditor.

Your Committee finds that existing state law requires the Office of the Auditor to review each state department's special, revolving, and trust funds every five years and to report to the Legislature prior to the convening of each legislative session. Departments are also required to annually submit a report to the Legislature about the non-general fund accounts they hold. This measure would require the Auditor to include in its annual reports, an update on fund recommendations made within the past five years that have not been implemented.

Your Committee notes that it would be beneficial to require departments, in their annual reports to the Legislature concerning their non-general fund accounts, to include whether they have implemented any recommendations provided by the Office of the Auditor, and if they have not implemented those recommendations, to provide the reasons why. This would help consolidate important information and promote the efficient use of resources.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language that would also require the departments, in their annual reports to the Legislature concerning their non-general fund accounts, to include the status of implementing recommendations made by the Office of the Auditor, and if no action has been taken, to detail the reasons why any recommendation has not been implemented; and
- (2) Making conforming amendments.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2079, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2079, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2426 Government Operations on S.B. No. 2080

The purpose and intent of this measure is to:

- (1) Require the Department of Accounting and General Services to purchase and install, at minimum, one emergency evacuation chair per floor, excluding the floor of exit discharge, in each state building having two or more floors;
- (2) Require the Department of Accounting and General Services to maintain a list of and perform yearly inspection on emergency evacuation chairs in state buildings;
- (3) Require the Disability Communication and Access Board to conduct annual training and produce written informational material regarding the appropriate use of emergency evacuation chairs;
- (4) Provide a phase-in period for the installation of emergency evacuation chairs; and
- (5) Appropriate funds.

Your Committee received testimony in support of this measure from the Office of the Auditor. Your Committee received comments from the Department of Accounting and General Services and Disability and Communication Access Board.

Your Committee finds that emergency evacuation chairs improve and enhance the ability of evacuating people with mobility limitations during an emergency and can help accommodate users when an elevator is out of order. This measure would require the Department of Accounting and General Services to purchase and install at least one emergency evacuation chair in each state building that has two or more floors.

Your Committee notes, however, that the Department of Accounting and General Services (Department) is responsible for only approximately five percent of state-owned buildings and that any implementation or installation of emergency evacuation chairs in the

remaining state-owned buildings would be under the authority and oversight of the agency or department operating within the respective building. Accordingly, your Committee finds that a smaller scale pilot project beginning with the buildings under the jurisdiction of the Department is a manageable task and that the Department can lend technical assistance to any other agency or department moving forward beyond the pilot project.

Therefore, your Committee has amended this measure by:

- (1) Establishing a pilot project within the Department to purchase and install emergency evacuation chairs in state-owned buildings and facilities under its jurisdiction and management that have two or more stories;
- (2) Moving the language that would have been codified in chapter 103, Hawaii Revised Statutes, to Session Law, and making conforming amendments;
- (3) Clarifying that the Department shall install, at minimum, one emergency evacuation chair at or near one stairwell on each floor, except the floor of exit discharge, of every state building under its control having two or more floors, unless the two-story building has an exit to an outside ground level from a second floor;
- (4) Clarifying that no less than fifty percent of the emergency evacuation chairs shall be installed by June 30, 2022 and that one hundred percent of the emergency evacuation chairs shall be installed by June 30, 2024; and
- (5) Requiring the Department to submit a report of its progress concerning the pilot project to the Legislature no later than twenty days prior to the convening of the regular session of 2022.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2080, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2080, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2427 Government Operations on S.B. No. 2115

The purpose and intent of this measure is to:

- (1) Amend the state ethics code to require candidates for state elective offices to disclose the name of clients assisted or represented before state agencies;
- (2) Give the State Ethics Commission discretion in determining how financial disclosure statements should be filed; and
- (3) Remove the exemption of Hawaii Correctional System Oversight Commission members from financial disclosure requirements.

Your Committee received testimony in support of this measure from the Hawai'i State Ethics Commission, Common Cause Hawaii, and Pono Hawai'i Initiative.

Your Committee finds that financial disclosure requirements no longer need to use long and short paper forms and that current technology allows for electronic means of disclosing financial information more effectively and efficiently. Your Committee also finds that disclosure of financial interests by candidates for elective offices, including election to the constitutional convention should include the names of the candidate's clients that were represented or assisted by the candidate before a state agency for compensation, and that disclosure of financial interests should also be required of the members of Correctional System Oversight Commission.

Your Committee notes the testimony of the Hawai'i State Ethics Commission that H.B. No. 2125 is a substantially similar measure that has already been reviewed and revised by the Legislative Reference Bureau, and that this measure should be amended to mirror its language.

Accordingly, your Committee has amended this measure by incorporating a technical, nonsubstantive amendment to conform to the language of H.B. No. 2125.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2115, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2115, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2428 Government Operations on S.B. No. 2139

The purpose and intent of this measure is to amend filing deadlines to conform the timing of the filling a vacant state senate seat with the recently changed dates of primary elections.

Your Committee received testimony in support of this measure from the Office of Elections.

Your Committee finds that without conforming the filing deadlines, a candidate who has already filed for one office may not be able to withdraw their application in order to apply for a special election to fill a vacant senate seat, as the current amount of time is limited to one day.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2139 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2429 Judiciary on S.B. No. 2047

The purpose and intent of this measure is to require the Judicial Council to appoint an advisory committee to conduct a comprehensive review of the Hawaii Penal Code and make recommendations to the Legislature of any necessary amendments to ensure that the penal code is consistent, in harmony with recent justice trends, and continually forceful and effective.

Your Committee received testimony in support of this measure from the Democratic Party of Hawai'i and six individuals. Your Committee received comments on this measure from the Judiciary, Community Alliance on Prisons, and two individuals.

Your Committee finds that H.C.R. No. 155, S.D. 1, Regular Session of 2015, requested the Judicial Council to appoint a committee to review and recommend revisions to the Hawaii Penal Code. Accordingly, the Judicial Council convened a penal code review committee comprising of twenty-nine members, who met in 2015 and recommended the legislation enacted by Act 231, Session Laws of Hawaii 2016. Your Committee finds that although review of the penal code has taken place nearly every decade, modern trends require that review occur more frequently. Therefore, your Committee finds that it is time once again for the Judicial Council to appoint a committee to review and recommend revisions to the Hawaii Penal Code.

Your Committee has amended this measure by specifying that the advisory committee shall make recommendations to the Legislature necessary to ensure that the penal code reflects best practices and data driven research, rather than ensuring that the penal code is in harmony with recent criminal justice trends.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2047, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2047, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2430 (Joint) Government Operations and Education on S.B. No. 2293

The purpose and intent of this measure is to require the Office of the Auditor to conduct a compliance audit of the Department of Education and submit a report of its findings and recommendations to the Legislature before the next legislative session. Specifically, this audit is meant to determine whether the Department is providing Hawaii public school students with a free, appropriate public education designed to meet their unique needs and prepare them for further education, employment, and independent living, as required under the federal Individuals with Disabilities Act (IDEA) and the Rehabilitation Act of 1973.

Your Committees received testimony in support of this measure from the Hawaii State Teachers Association, Hawaii Disability Rights Center, Hawaii Association for Behavior Analysis, and eight individuals. Your Committees received comments on this measure from the Department of Education.

Your Committees recognize our State's commitment to the education of all students, especially students with disabilities, and the provision of an equitable, excellent, and innovative learning environment to engage and elevate our communities. According to the testimony received by your Committees, there is a growing achievement gap between students with special needs and their general education peers; and based on statewide assessments, most students with special needs are performing at below grade level in reading and mathematics. Your Committees note that the expiration of the Department of Education special education classroom supply fund in 2011 contributed to a loss in supplies and support for our students with special needs. A compliance audit would show what special education needs are currently in place and what additional resources are needed to meet the needs of our keiki, especially those in special education programs.

Your Committees additionally recognize the 2014 federal court decision, *K.M. v. Tustin Unified School District*, which differentiates a public school's duty to provide free, appropriate public education under the federal Individuals with Disabilities Act (IDEA) with its obligation to provide equal opportunity and equally effective communication under the federal Americans with Disabilities Act (ADA); and as such, your Committees propose to facilitate continued dialogue on this measure through the legislative process, including further consideration on the inclusion of the Department of Education's compliance with the ADA as it pertains to the types of disabilities covered under IDEA and section 504 of the Rehabilitation Act.

Your Committees have amended this measure by:

- (1) Changing its effective date to January 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2293, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2293, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Government Operations: Ayes, 3. Noes, none. Excused, 2 (Baker, Inouye).
Education: Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2431 Water and Land on S.B. No. 2670

The purpose and intent of this measure is to require a vulnerable coastal property purchaser statement to be executed by the purchaser or transferee with the sale or transfer of vulnerable coastal real estate.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Sierra Club of Hawai'i, and Surfrider Oahu. Your Committee received testimony in opposition to this measure from the Hawaii Association of Realtors. Your Committee received comments on this measure from the Hawaii Climate Change Mitigation and Adaptation Commission.

Your Committee finds that coastal property is often vulnerable to hazards, such as coastal erosion and flooding from tsunamis, storms, and high waves. These hazards can be exacerbated by sea level rise and human-caused interruptions to natural sand supply. Owners of coastal property are at risk of losing land when shorelines undergo landward retreat, which negatively impacts building setbacks, property values, and insurance availability. Furthermore, coastal property owners face stringent permit requirements imposed by the counties and State for shoreline protection. This measure enables coastal property purchasers and transferees to better understand the special hazards, permitting requirements, and limitations that may affect the coastal property by requiring a vulnerable coastal property purchaser statement with the sale or transfer of any vulnerable coastal real property.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 31, 2033, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2670, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2670, S.D. 1, and be referred to your Committees on Judiciary and Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2432 Water and Land on S.B. No. 2671

The purpose and intent of this measure is to require that mandatory seller disclosures in real estate transactions include identification of residential real properties lying within the sea level rise exposure area.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Sierra Club of Hawai'i, and Surfrider Oahu. Your Committee received comments on this measure from the Hawaii Climate Change Mitigation and Adaptation Commission, and Hawaii Association of Realtors.

Your Committee finds that oceanfront property is often vulnerable to hazards, such as coastal erosion and flooding from tsunamis, storms, and high waves. These hazards can be exacerbated by sea level rise. Your Committee believes that sea level rise is a concern for all real property owners, not only oceanfront property owners. Your Committee also finds that the value of property lying within the boundaries of a sea level rise exposure area is likely to be affected over time, which is a material fact that should be included in mandatory seller disclosure statements in real property transactions. This measure requires seller disclosures in real estate transactions in such areas to enable property purchasers and transferees to better understand the special hazards, permitting requirements, and limitations that may affect the property.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 31, 2033, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2671, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2671, S.D. 1, and be referred to your Committees on Judiciary and Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2433 Water and Land on S.B. No. 2827

The purpose and intent of this measure is to:

- (1) Expand the uses of the transaction fee for recordings in the Bureau of Conveyances and Land Court authorized under Act 120, Session Laws of Hawaii 2009;
- (2) Apply the fee to all services rendered by the Bureau of Conveyances pursuant to chapters 501 and 502, Hawaii Revised Statutes; and
- (3) Repeal the transaction fee upon the earlier of the effective date of adoption of rules by the Department of Land and Natural Resources or July 1, 2023.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that Act 120, Session Law of Hawaii 2009, intended to provide the necessary funding to correct serious shortcomings at the Bureau of Conveyances identified by the Joint Legislative Investigative Committee under Senate Concurrent Resolution No. 226 (2007). To date, as a result of Act 120, the Bureau of Conveyances has significantly improved the automation and integrity of the recording process, established web and digital access to most of the Bureau of Conveyances' database and records, and created the portal and process for the electronic recording of documents. Future key improvement projects include completing phases of the Department of Land and Natural Resources' digitization project, which include securing and increasing accessibility to the

Bureau of Conveyances' records and maps as well as establishing a critical disaster recovery plan that can continue the Bureau of Conveyances' operation in times of an emergency. This measure expands the authorized use of the transaction fees charged for recordings with the Bureau of Conveyances to address many of the evolving issues that the Bureau of Conveyances faces, such as enhancing technology and digitization, improving workflow processes for both daily and historical records processing and certification, and restoring and preserving physical book records.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2827 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2434 Water and Land on S.B. No. 2908

The purpose and intent of this measure is to require the Board of Land and Natural Resources to expend \$1,500,000 per fiscal year from the Land Conservation Fund to be used for the reimbursement of debt service on the Turtle Bay reimbursable general obligation bonds.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hana Arts, and eight individuals.

Your Committee finds that section 173A-13, Hawaii Revised Statutes, currently requires the Legacy Land Conservation Program to complete a cumbersome and prolonged annual grant application and award process before the Department of Land and Natural Resources can make an annual debt service payment that is required by the Hawaii Revised Statutes. The existing process requires extensive and unnecessary effort by the Legacy Land Conservation Program. This measure would relieve the Legacy Land Conservation Program from this burdensome obligation thus freeing up more time and resources for performing other important activities and functions.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2908, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2908, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2435 Water and Land on S.B. No. 2912

The purpose and intent of this measure is to authorize the Department of Land and Natural Resources to issue new ocean recreation commercial permits by public auction.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources. Your Committee received testimony in opposition to this measure from the Ocean Tourism Coalition, Trilogy Corporation, and one individual.

Your Committee finds that the Department of Land and Natural Resources currently maintains waitlists for the issuance of commercial permits when there is a limit on the number of permits that can be used for a particular area or activity. Over the past several decades, the number of commercial operators requesting to operate in the state waters has increased significantly. This measure would allow for new ocean recreation commercial permits to be issued through public auction, which your Committee finds is the fairest way to issue the limited number of commercial permits.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2912 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2436 Technology on S.B. No. 2837

The purpose and intent of this measure is to amend the composition and appointing authority for the Information Technology Steering Committee.

Your Committee received testimony in support of this measure from the Department of Education, Office of Enterprise Technology Services, and Transform Hawai'i Government.

Your Committee finds that the Information Technology Steering Committee was established to assist the Chief Information Officer in developing the State's information technology standards and policies. Representation on the Information Technology Steering Committee from various executive branch departments provides valuable opportunities for collaboration regarding technology matters. Your Committee further finds that it is in the best interest of the public to allow the members of the Information Technology Steering Committee to serve without regard to term limits because of their institutional knowledge of the State's complex information systems and for the Superintendent of Education and President of the University of Hawaii to appoint representatives to the Information Technology Steering Committee.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2837, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2837, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

SCRep. 2437 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2788

The purpose and intent of this measure is to extend the lapse date of the appropriations provided in 2018 for the flooding disasters in the City and County of Honolulu and County of Kauai.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Emergency Management Agency, Office of the Mayor of the County of Kauai, and one individual.

Your Committee finds that in April 2018, the County of Kauai and portions of the City and County of Honolulu suffered a disastrous occurrence of heavy rains and flooding that caused extensive damage throughout both counties. In response to the extensive damage, the Legislature passed Act 12, Session Laws of Hawaii 2018 (Act 12), which provided funding to address the significant damage done to the City and County of Honolulu and County of Kauai. Your Committee finds that the funds that were provided in Act 12 that are unencumbered are scheduled to lapse on June 30, 2020. However, there are still ongoing flood response work projects that require additional time to be completed. This measure will extend the lapse date of unencumbered funds provided by Act 12 to continue flood response work projects in the City and County of Honolulu and County of Kauai.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2788 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

SCRep. 2438 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2885

The purpose and intent of this measure is to establish and appropriate funds from the hazard mitigation special fund.

Your Committee received testimony in support of this measure from the Hawaii Emergency Management Agency, Hawaii State Energy Office, and Department of Emergency Management of the City and County of Honolulu.

Your Committee finds that the Hawaii Emergency Management Agency has nearly exhausted its funding to support the management and implementation of hazardous mitigation projects. Existing law authorizes the Governor, under certain circumstances, to designate state employees, agents, contractors, or representatives to enter private property at reasonable times to mitigate situations that are deemed hazardous by the Governor. However, these necessary projects will not be possible without proper funding. This measure will ensure the continuation of hazardous mitigation projects and expand the program by establishing the hazard mitigation special fund.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2020; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2885, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2885, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

SCRep. 2439 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2887

The purpose and intent of this measure is to:

- (1) Establish the Long-Term Recovery Authority to work with the State Disaster Recovery Coordinator to enhance the capacity of the State to recover from the impacts of disasters; and
- (2) Appropriate funds to support the State Disaster Recovery Coordinator.

Your Committee received testimony in support of this measure from the Department of Defense, Department of Transportation, State Disaster Recovery Coordinator of the Office of the Governor, Hawaii Emergency Management Agency, and Office of Planning. Your Committee received comments on this measure from the Hawaii State Energy Office.

Your Committee finds that disaster recovery is a complex and long-term process that involves a broad range of activities and participants. Your Committee further finds that the State is in need of a leading authority to facilitate the identification, coordination, and delivery of recovery assistance during and after a disaster. Preparing for recovery is a continuous process that begins before a disaster, while actual recovery operations begin shortly after the disaster occurs and can continue for many years. Establishing the Long-Term Recovery Authority as the leading authority to deal with long-term recovery will enhance the capacity of the State, relevant

agencies, and the community to recover from the impacts of various disasters. This measure will better prepare the State for any future disasters by establishing and appropriating funds for the establishment and operations of the Long-Term Recovery Authority.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2020; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2887, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2887, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

SCRep. 2440 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 3072

The purpose and intent of this measure is to:

- (1) Require statewide inventories of hospitals, dialysis centers, medical facilities, satellite phones, and generators to provide backup power; and
- (2) Appropriate funds to procure non-perishable food and ensure that food stocks are appropriately rotated.

Your Committee received testimony in support of this measure from the Department of Defense and two individuals.

Your Committee finds that as an island state, Hawaii is vulnerable to catastrophic natural disasters such as floods, volcanic eruptions, and high winds that can devastate communities. Your Committee further finds that the State needs to be more proactive when preparing for natural disasters to ensure the safety of residents and visitors of the State at any given time. This measure will improve disaster preparedness and response by having an inventory of necessary resources and facilities throughout the State.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3072 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

SCRep. 2441 (Joint) Transportation and Energy, Economic Development, and Tourism on S.B. No. 3111

The purpose and intent of this measure is to clarify vehicle registration laws by defining the term "alternative fuel vehicle".

Your Committees received testimony in support of this measure from the Department of Transportation and Hawaii Auto Dealers Association. Your Committees received comments on this measure from the Hawaii Climate Change Mitigation and Adaptation Commission.

Your Committees find that section 249-31, Hawaii Revised Statutes, requires an annual vehicle registration fee for alternative fuel vehicles as a substitute for paying road taxes, which are part of purchasing gasoline in the State. Flex fuel vehicles, which use renewable fuel such as E85, a blend of 85 percent ethanol and 15 percent gasoline, are considered alternative fuel vehicles. However, because E85 is not yet available in Hawaii, owners of flex fuel vehicles must use only gasoline, subjecting them to double taxation. This measure clarifies that only vehicles that do not use petroleum-based gasoline are alternative fuel vehicles.

Your Committees have amended this measure by adding a definition of "alternative fuel vehicle", limiting them to vehicles that do not use petroleum-based gasoline as fuel.

As affirmed by the records of votes of the members of your Committees on Transportation and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3111, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3111, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Transportation: Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (English).
Energy, Economic Development, and Tourism: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 2442 Human Services on S.B. No. 2283

The purpose and intent of this measure is to establish a child-care expense refundable tax credit that is equal to an unspecified percent of the amount the taxpayer spent on eligible child-care expenses during that taxable year.

Your Committee received testimony in support of this measure from the Early Childhood Action Strategy and one individual. Your Committee received comments on this measure from the Department of Taxation, Office of the Auditor, Hawaii Children's Action Network, and Tax Foundation of Hawaii.

Your Committee finds that the cost of raising a child in Hawaii is much higher than the national average due to the cost of child care in Hawaii and because, when adjusted for cost of living, wages in Hawaii are amongst the lowest in the nation. Your Committee further finds that the federal child tax credit enacted twenty years ago has been shown to be an effective tool to address poverty and assist lower income families and that a similar state tax credit would provide valuable financial relief for local families.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2283 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2443 Human Services on S.B. No. 2336

The purpose and intent of this measure is to assist Hawaii's elderly to prevent lapses or termination of their long-term care insurance policies by requiring the thirty-day lapse or termination notices for long-term care policies to be sent by certified mail or commercial delivery service, or other method of delivery requiring proof of delivery.

Your Committee received testimony in support of this measure from the Maui County Office on Aging; Alzheimer's Association, Aloha Chapter; Kokua Council; and two individuals. Your Committee received testimony in opposition to this measure from the American Council of Life Insurers. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that Hawaii has a long history of respecting and helping its kupuna. Accordingly, your Committee finds that additional protections are needed to help seniors avoid inadvertent lapses or terminations of their long-term care insurance for nonpayment of premiums. This measure amends the current law by requiring that notice of a lapse of coverage or cancellation be sent by certified mail, priority mail, or commercial delivery service to the policyholder. Your Committee also finds that the means of delivery required by this Act will provide proof that the cancellation notice was sent and delivered.

Your Committee further finds that the changes effected under this measure will have a relatively minor impact on insurers when compared with the consequences that would befall kupuna policyholders if their long-term care insurance were to lapse.

Your Committee has amended this measure by providing procedural guidelines and clarity by:

- (1) Incorporating statutory language to clarify the requirement of proof of notice by the insurer;
- (2) Adding language to require the insurer provide proof of notice by certified mail, priority mail or commercial delivery service;
- (3) Inserting language that requires the insurer to demonstrate due diligence in attempting to locate and notify a policyholder or named designee if delivery of notice is initially unsuccessful; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2336, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2336, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

SCRep. 2444 Human Services on S.B. No. 2337

The purpose and intent of this measure is to appropriate funds to the office of the long-term care ombudsman for six full-time ombudsman specialist positions; two each on Oahu and Hawaii and one each on Kauai and Maui.

Your Committee received testimony in support of this measure from the Hawaii Long-Term Care Ombudsman; County of Hawai'i Office of Aging; Maui County Office on Aging; International Longshore Warehouse Union Local 142, Hawaii Family Caregiver Coalition; Americans for Democratic Action; Kokua Council; AARP Hawaii; Hawaii Disability Rights Center; Alzheimer's Association, Aloha Chapter; Policy Advisory Board for Elder Affairs; and seven individuals. Your Committee received comments on this measure from the Executive Office on Aging.

Your Committee finds that in the Executive Office on Aging reorganization of June 2015, the long-term care ombudsman program was reduced in staff to only the director, making Hawaii the only state in the country with a long-term care ombudsman program staff of one. In 1995, a time when most residents lived in nursing homes, the Institute of Medicine recommended at a minimum one full-time paid ombudsman for every two thousand long-term care residents. Hawaii has over twelve thousand long-term care residents, most of whom live in the community rather than in nursing homes, which creates greater challenges. Under the 1995 recommendation, Hawaii should have a minimum of six full-time long-term care ombudsmen.

This measure therefore establishes and funds six long-term care ombudsmen positions within the office of the long-term care ombudsman to work under the supervision of the long-term care ombudsman in achieving the goals of the program as mandated by the United States Administration on Aging through the Older Americans Act.

Your Committee has amended this measure by:

- (1) Removing "an annual" and inserting "a quarterly" in the preamble; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2337, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2337, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2445 Human Services on S.B. No. 2465

The purpose and intent of this measure is to appropriate funds for the Department of Human Services to procure the services of a master contractor to manage subcontracts and expenditures for a transitions clinic network pilot program.

Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that high incarceration rates cost state government and taxpayers millions of dollars year after year. In fiscal year 2019, Hawaii had an average combined monthly jail and prison population of 5,217 inmates in both state and private mainland facilities. Your Committee additionally finds that a large amount of the State's incarcerated population need health care services during and after incarceration, including mental health services.

Your Committee further finds that a transitions clinic network program provides a patient-centered primary care facility for chronically-ill prisoners following release from prison. The program also addresses the complex barriers that patients and health systems face when trying to improve the health and health care of chronically-ill individuals following incarceration.

Your Committee has amended this measure by changing the effective date to January 1, 2021.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2465, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2465, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2446 Human Services on S.B. No. 2665

The purpose and intent of this measure is to establish that every judgment for child support is enforceable until paid in full.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that existing law allows people who owe child support to be absolved of their obligation once the child turns thirty-three or ten years after a judgment for the child support was rendered, whatever date is later. As such, existing law allows the judgment for child support to be presumed paid or discharged after a certain period of time.

The purpose of this measure is to establish that every judgment for child support is enforceable until paid in full. This will ensure that people are not able to evade their child support obligations merely by the passage of time.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2665 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2447 Human Services on S.B. No. 2891

The purpose and intent of this measure is to permit individual vocational programs within the purview of the Office of Youth Services to engage in commercial enterprises, including the sale of goods and services, for self-sustainability purposes, for young adults only, by establishing and appropriation of funds for the Office of Youth Services Revolving Fund.

Your Committee received testimony in support of this measure from the Department of Human Services; Office of Youth Services; Partners in Development Foundation; Kinai 'Eha; Hawaii Cattlemen's Council, Inc.; Community Alliance on Prisons; Blueprint for Change; Hale Kipa; and two individuals.

Your Committee finds over 15,000 young adults ages eighteen through twenty-four in Hawaii are neither employed nor in school, resulting in a life-time state expenditure of \$6.5 billion in lost wages and costs. Your Committee further finds that the Office of Youth Services provides vocational training services for young adults in a self-sustaining fashion and allows individual vocational programs under the jurisdiction of the Office of Youth Services to engage in commercial enterprises that are related to their primary educational purpose.

Your Committee notes that this measure will enhance the rigor and relevance of work-based learning as young adults engage in comprehensive, real-world, immersive experiences. Your Committee further notes that allowing the Office of Youth Services to expand and support the career programs by providing that proceeds from the sale of products and services be deposited back into the Office of Youth Services revolving fund is a crucial component of being able to sustain, support, and expand the vocational programs that are geared to improving the employment and productive citizenship status of young adults.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2891 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2448 Hawaiian Affairs on S.B. No. 3142

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds for a master planned development proposed by Pueo Development, LLC, at the Waiohuli Hawaiian Homestead.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands; Hawaii Operating Engineers Industry Stabilization Fund; Pueo Development, LLC; Waiohuli Hawaiian Homesteaders Association Inc.; and eleven individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that the development of low- and moderate-income housing, alternative energy sources, infrastructure, and economic opportunities continues to be in the public interest. Pueo Development, LLC, is a Hawaii company that offers sustainable solutions for developing low- and moderate-income housing, alternative energy, and infrastructure, while facilitating economic opportunities through project development. Pueo Development, LLC, proposes to design, build, and operate a master planned development in support of a public-private partnership with Waiohuli Hawaiian Homesteaders Association, Inc., on approximately one hundred fifty acres of Department of Hawaiian Home Lands land in Waiohuli, Maui. This proposed development includes low- and moderate-income housing units; rental housing units; elderly care units; alternative energy development systems; and infrastructure development, including roads and utilities.

Your Committee has carefully considered the use of special purpose revenue bonds to support Pueo Development, LLC, and its proposed development. Your Committee finds that the use of special purpose revenue bonds to assist Pueo Development, LLC, is consistent with similar investments that the State has made for other comparable master planned projects. The issuance of special purpose revenue bonds to assist Pueo development, LLC, will provide critical financial flexibility to support the proposed development's initiatives. The measure will authorize funding for the development, which will create numerous new jobs and housing in the State that will in turn improve the State's economy.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3142 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

SCRep. 2449 Hawaiian Affairs on S.B. No. 3178

The purpose and intent of this measure is to specify that the Office of Hawaiian Affairs Board of Trustees may remove the administrator by majority vote, rather than by two-thirds vote.

Your Committee received testimony in support of this measure from two individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that state law currently provides that the Office of Hawaiian Affairs Board of Trustees may remove the Office of Hawaiian Affairs' administrator by two-thirds vote of all members. By reducing the number of votes required for removal, this measure will allow the Board of Trustees greater flexibility to take action regarding the status of the administrator.

Your Committee has heard the concerns from the Office of Hawaiian Affairs and believes this issue merits further discussion by your Committee on Judiciary.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3178 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2450 Agriculture and Environment on S.B. No. 2719

The purpose and intent of this measure is to appropriate funds to the Department of Agriculture for feral pig control.

Your Committee received testimony in support of this measure from the Department of Agriculture; Hawaii Cattlemen's Council, Inc.; Land Use Research Foundation of Hawaii; Hawaii Crop Improvement Association; Hawai'i Farm Bureau; and thirty individuals. Your Committee received testimony in opposition to this measure from Animal Rights Hawaii.

Your Committee finds that the feral pig population has been particularly damaging on farms and ranches statewide, where their numbers have been growing exponentially. Your Committee also notes that feral pigs pose a significant threat to local economies by destroying agricultural crops and livestock, damaging Hawaii's ecology by invasive seed dispersal and competition with native wildlife, and posing a threat to human health and safety.

Your Committee further finds that appropriating funds to the Department of Agriculture to provide grants for fencing and corral traps, and to introduce a program to reduce feral pig populations, will help protect the land and agricultural communities.

Your Committee has amended this measure by:

- (1) Requiring the Department of Agriculture to work in collaboration with the Department of Land and Natural Resources to increase feral pig control;
- (2) Inserting an appropriation amount of \$1,000,000 for feral pig control; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2719, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2719, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2451 Agriculture and Environment on S.B. No. 2750

The purpose and intent of this measure is to repeal the requirement that noncarbonated bottled water not be transported, stored, processed, or bottled in or through lines or equipment through which any food product other than water is passed.

Your Committee received testimony in support of this measure from the Hawaii Food Industry Association, Maui Brewing Co., Mananalu, Can Manufacturers Institute, Surfrider Foundation Oahu, Ball Corporation, and one individual. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that Americans send more than thirty-eight billion water bottles to landfills every year, while only thirty percent of water bottles are placed in a recycling bin. Aluminum cans, however, are recycled twice as often as plastic, glass, and cartons. Unlike single-use plastic bottles, one hundred percent of the aluminum can is recyclable, meaning the material from one aluminum can or bottle can be used to make another aluminum can without any new material. This closed loop cycle can take as little as sixty days.

Your Committee further finds that many carbonated soft drink companies on the mainland also produce canned noncarbonated water with the same equipment used to make their other products. However, existing state law expressly prohibits carbonated soft drink, juice, and beer operations from using the same equipment to can noncarbonated bottled water. This restriction unfairly and unnecessarily limits local beverage filling companies that manufacture other products from providing noncarbonated water in aluminum cans to consumers as an alternative to single-use plastic water bottles. Accordingly, this measure repeals the existing restriction.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2750 and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Ruderman).

SCRep. 2452 Agriculture and Environment on S.B. No. 2777

The purpose and intent of this measure is to:

- (1) Establish the environmental council special fund; and
- (2) Allocate 0.00525 cent of the state environmental response, energy, and food security tax on each barrel of petroleum product to be deposited into the environmental council special fund.

Your Committee received testimony in support of this measure from Hawaii's Thousand Friends and five individuals. Your Committee received comments on this measure from the Department of Budget and Finance and Tax Foundation of Hawaii.

Your Committee finds that the Environmental Council serves as a liaison between the Director of Health and the public on matters concerning ecology and environmental quality. The Council also monitors the progress of state, county, and federal agencies in achieving the State's environmental goals and policies and publishes its findings in its annual reports. The fifteen Environmental Council members are appointed by the Governor, with the advice and consent of the Senate, to assure a broad and balanced representation of educational, business, and environmentally pertinent disciplines and professions. Your Committee finds that in order to ensure the Environment Council can fulfill all of its duties, it requires funding. Accordingly, this measure establishes a funding source for the Environmental Council.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2777 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Ruderman).

SCRep. 2453 Agriculture and Environment on S.B. No. 2738

The purpose and intent of this measure is to authorize agricultural entities to incorporate as general cooperatives.

Your Committee received testimony in support of this measure from the Kohala Center; Hawaii Small Business Development Center, East Hawaii; and five individuals. Your Committee received testimony in opposition to a specific section of this measure that exempts these types of cooperative from the securities laws from the Business Registration Division of the Department of Commerce and Consumer Affairs.

Your Committee finds that a cooperative is an autonomous association of persons united voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly-owned and democratically-controlled enterprise. Cooperatives are based on the values of self-help, self-responsibility, democracy, equality, equity and solidarity.

Your Committee further finds that when an agricultural cooperative incorporates under existing Hawaii law, they choose between one of two cooperative statutes, one relating to agriculture cooperatives and the other relating to consumer cooperatives; however, these existing statutory options limit cooperatives that are pursuing multi-stakeholder and worker models. To provide cooperatives with greater flexibility in defining membership and organizational structure, many states offer a general cooperative statute. This

measure offers a more flexible option to the existing agriculture and consumer cooperative statutes to provide that greater flexibility to Hawaii agricultural entities to benefit farmers and other persons having a common economic, social, and cultural needs and aspirations.

Your Committee has amended this measure by:

- (1) Deleting sacred species and natural ecosystems from the definition of the term “person”;
- (2) Deleting language that would have exempted securities and certain other equity instruments issued, sold, or reported by a cooperative as an investment in its stock or capital to its patrons from securities laws; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2738, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2738, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2454 Agriculture and Environment on S.B. No. 2856

The purpose and intent of this measure is to enable funds in the brownfields cleanup revolving loan fund to be used for sub-grants to eligible entities for brownfields site assessments, cleanup, and monitoring activities.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Department of Health; Office of Planning; and one individual.

Your Committee finds that the Hawaii brownfields cleanup revolving loan fund was capitalized with funds from a United States Environmental Protection Agency brownfields revolving loan fund grant. In 2012, the grant was closed when all grant funds had been expended for cleanup loans, and a closeout agreement was executed between the United States Environmental Protection Agency and the Department of Business, Economic Development, and Tourism. Under the closeout agreement, revolving loan funds may be used for loans and sub-grants to eligible entities for brownfields site assessment activities, sampling, and related activities in addition to cleanup activities.

Your Committee further finds that under the existing loan fund statutory authority strictly limits use of revolving loan funds to loans and cleanup activities. Expansion of the loan fund authority to enable sub-grants for cleanups, environmental site assessments, and related activities, in conformance with the closeout agreement, will allow for greater use of the grant funds for eligible brownfields projects and facilitate redevelopment of lands that are underutilized due to perceived or real contamination. Accordingly, this measure expands activities for which sub-grants may be awarded to eligible entities for brownfields site assessments, cleanup, and monitoring activities.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2856 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Ruderman).

SCRep. 2455 Agriculture and Environment on S.B. No. 2824

The purpose and intent of this measure is to appropriate monies to the Department of Agriculture for three full-time equivalent (3.0 FTE) inspectors to perform meat inspection services.

Your Committee received testimony in support of this measure from the Department of Agriculture; Hawaii Cattlemen’s Council, Inc.; Hawaii Meats, LLC; Hawai’i Farm Bureau; and one individual.

Your Committee finds that food quality and safety is of great importance to consumers and the State. Increasing the ability for local inspection of harvest facilities will help drive the growth of the local protein space. Your Committee further finds that Hawaii has recently grown its local meat production to the capacity of available federal inspection. Your Committee notes that the State’s previous meat inspection program was discontinued in the mid-1990s due to cuts in budget and staffing mandated by the reduction in force directives. The USDA-Food Safety Inspection Service assumed responsibility for those obligations and has been performing meat inspection services statewide in Hawaii since that time. Local meat inspectors would enable Hawaii to continue to grow its local meat production.

Your Committee has amended this measure by:

- (1) Inserting an appropriation amount of \$250,000 for the three meat inspector positions; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2824, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2824, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2456 Agriculture and Environment on S.B. No. 2663

The purpose and intent of this measure is to require a supplemental environmental assessment or supplemental environmental impact statement (EIS) after the passage of fifteen years from the date of the acceptance of the statement or the determination of a finding of no significant impact, if the proposed action is not completed.

Your Committee received testimony in support of this measure from one member of the County Council of the County of Maui, Animal Rights Hawai'i, and three individuals. Your Committee received testimony in opposition to this measure from the Department of Design and Construction of the City and County of Honolulu, Chamber of Commerce Hawaii, and Maui Chamber of Commerce. Your Committee received comments on this measure from the Office of Planning, Office of Environmental Quality Control, Department of Transportation, Department of Environmental Services of the City and County of Honolulu, and the Department of Planning and Permitting of the City and County of Honolulu.

Your Committee finds that many large-scale projects that require an EIS take years longer than initially anticipated and go beyond the time period of potential impacts examined in the EIS. Although section 11-200-26, Hawaii Administrative Rules, requires a supplemental EIS when a project with an approved EIS has changed substantively in size, scope, intensity, use, location, or timing, state law lacks an explicit time frame of validity for an environmental impact statement. Your Committee finds that while a supplemental EIS may ensure consideration of an action that is essentially different from the action proposed under the original EIS, the drafting, submission, and approval of a supplemental EIS adds costs to projects that are often already expensive. Therefore, your Committee finds that establishment of an explicit time frame of validity for an EIS will ensure that an EIS does not go stale, without the need for triggering a costly supplemental EIS in every situation.

Your Committee has amended this measure by:

- (1) Requiring a supplemental environmental assessment if the proposed action has not been implemented, without requiring that the proposed action be completed, within fifteen years from the date of the determination of a finding of no significant impact;
- (2) Deleting language that would have required that the subsequent determination of a finding of no significant impact, acceptance of the supplemental environmental impact statement, or the declaration that the action is exempt under council rules be a condition precedent to the implementation or completion of the proposed action; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2663, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2663, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

SCRep. 2457 Agriculture and Environment on S.B. No. 2717

The purpose and intent of this measure is to protect sharks for ecological purposes, for their value to the ocean recreation industry, and for their value to native Hawaiian cultural practices by establishing fines and penalties for knowingly capturing, taking, possessing, abusing, or entangling a shark, whether alive or dead, or killing a shark, within state marine waters.

Your Committee received testimony in support of this measure from Animal Rights Hawai'i, One Ocean Conservation, Surfrider Foundation Oahu, One Ocean Research and Diving, The Humane Society of the United States, Moana Ohana, Pono Advocacy, For the Fishes, Oikonos, Keiko Conservation, Friends of Hanauma Bay, and seventy-four individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that sharks are extremely important to ocean ecosystems because they keep the ecosystem balanced, regulate populations of other marine life, and ensure healthy fish stock and reefs. Your Committee further finds that sharks play a vital historical and cultural role in Hawaii, including native Hawaiian customary and traditional rights protected by the Hawaii State Constitution. In 2010, Hawaii became the first state in the nation to enact a prohibition on the sale of shark fins and fin products; however, the law does not prohibit the taking of whole live sharks in state waters. Your Committee finds that this loophole must be closed to protect Hawaii's valuable sharks.

Your Committee has amended this measure by:

- (1) Removing the term "take" from the list of offenses prohibited against sharks;
- (2) Deleting language that would have exempted research permits authorized by law if the permit issued did not allow a take that would exceed the potential biological removal level and provided that the Department of Land and Natural Resources could adopt rules to define "take" and determine when a take would exceed the potential biological removal level;
- (3) Specifying that research permits authorized by law are exempt from the offense if the research conducted is overseen by an institutional animal care and use committee and has been reviewed by the academic institution's designated native Hawaiian cultural practitioners;
- (4) Clarifying that sharks taken outside of state marine waters and possessed on a vessel in state marine waters pursuant to any federally managed fishery, with the required documentation of the location where the capture occurred are exempt, rather than if it is for the purpose of landing the catch in the State;
- (5) Amending section 1 to reflect its amended purpose and clarify that it is not intended to prohibit legitimate shark research affiliated with an academic or research institution that is overseen by an institutional animal care and use committee, or those who unintentionally capture and immediately release a shark in the course of lawful fishing; and

- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2717, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2717, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

SCRep. 2458 Agriculture and Environment on S.B. No. 2702

The purpose and intent of this measure is to, for a period of five years, authorize the Board of Agriculture to determine that a person who seeks an agricultural lease to construct and operate a facility for agriculture or aquaculture that requires more than \$500,000 in construction and equipment acquisition costs to make the facility operational is eligible for the lease when certain requirements are met.

Your Committee received testimony in support of this measure from the Department of Agriculture; Hawaii Cattlemen's Council, Inc.; Local Food Coalition; East Oahu County Farm Bureau; Hawaii Crop Improvement Association; Hawaii Aquaculture and Aquaponics Association; Hawai'i Farm Bureau; Larry Jeffs Farms, LLC; and twenty-six individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the Department of Agriculture's non-agricultural park lands program supports, among others, new and bona fide farmers in gaining a foothold in the agricultural industry. Technological advances have created opportunities for innovation in agriculture to improve efficiency, increase yields, and encourage sustainable farming practices; however, these technologies often require high investments of capital that new and bona fide farmers are often unable to access alone. Partnering with investors may enable new and bona fide farmers to invest in these technologies to establish and grow their businesses. Your Committee further finds that existing administrative rules pertain to bona fide farmers and that there may be confusion as to what qualifies a person as a bona fide farmer. Your Committee finds that the law should more clearly specify the application of the definition of "bona fide farmer" and broaden the types of entities that may qualify for non-agricultural park leases. Accordingly, this measure expands opportunities for certain entities, including farmers, to obtain investment capital for their operations and be eligible for non-agricultural park leases.

Your Committee further finds that the Board of Agriculture should provide accounting and transparency to the Legislature to ensure that state-subsidized agricultural lands are used for agricultural purposes.

Your Committee has amended this measure by:

- (1) Inserting language to clarify what qualifies a person as a bona fide farmer to be eligible for the non-agricultural park leases;
- (2) Clarifying that farmers may grow any food products under the program, including ones that are not currently imported;
- (3) Allowing the Board of Agriculture discretion in determining potential lessees;
- (4) Inserting language to require the Board of Agriculture to submit annual reports to the Legislature accounting for lessees on non-agricultural park land;
- (5) Removing the repeal date; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2702, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2702, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2459 Agriculture and Environment on S.B. No. 2708

The purpose and intent of this measure is to establish a new agricultural enterprise program within the Department of Agriculture to plan, design, construct, operate, manage, maintain, repair, demolish, and remove infrastructure on any lands under the jurisdiction of the Department, to support and promote agriculture and to accept the transfer of qualifying agricultural enterprises and agricultural enterprise lands from the Department of Land and Natural Resources for the program.

Your Committee received testimony in support of this measure from the Department of Agriculture; Hawaii Cattlemen's Council, Inc.; Land Use Research Foundation of Hawaii; Hawaii Meats, LLC; East Oahu County Farm Bureau; Hawaii Crop Improvement Association; Hawaii Aquaculture and Aquaponics Association; Hawai'i Farm Bureau; Ulupono Initiative; and twenty-two individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that article XI, section 3, of the Hawaii State Constitution establishes in part that the "State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands." Your Committee further finds that many diversified farming operations do not have adequate resources to expand or maximize their productivity. Your Committee believes that it is in the State's best interest to give the Department of Agriculture flexibility to move forward with agricultural educational training, farmers' markets, and food hubs and processing facilities on state agricultural lands to promote and support diversified agriculture and ensure agricultural sustainability.

Your Committee has amended this measure by:

- (1) Inserting language to require the Board of Agriculture to submit annual reports to the Legislature to include an accounting of lessees on non-agricultural park land;

- (2) Making an appropriation of \$1,200,000 into and out of the agricultural enterprise special fund for the planning, design, construction, operation, management, maintenance, repair, demolition, and removal of infrastructure on lands under the jurisdiction of the Department of Agriculture to support and promote agriculture; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2708, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2708, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2460 Agriculture and Environment on S.B. No. 2817

The purpose and intent of this measure is to require the association of any high-rise property consisting of seven stories or more, to provide at least one waste cooking oil receptacle in an easily accessible location on the property to allow residents to deposit grease and waste cooking oil.

Your Committee received testimony in support of this measure from Pacific Biodiesel Technologies and eleven individuals. Your Committee received testimony in opposition to this measure from Associa and one individual.

Your Committee finds that proper disposal of waste cooking oil is an important waste concern. Cooking oil can block plumbing and piping, which can lead to sewage backing up into homes and businesses. Proper disposal of waste cooking oil prevents expensive plumbing repairs and benefits the environment.

Your Committee has amended this measure by:

- (1) Requiring cooperative housing corporations, in addition to unit owners' associations, to provide waste cooking oil receptacles in high rise condominiums; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2817, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2817, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 3; Ayes with Reservations (Rhoads). Noes, none. Excused, 2 (Ruderman, Fevella).

SCRep. 2461 Agriculture and Environment on S.B. No. 2727

The purpose and intent of this measure is to exempt a beverage dealer who is located in a high-density population area from operating a redemption center if the dealer is located within one mile, rather than two miles, of a certified redemption center operated independently of the dealer.

Your Committee received testimony in support of this measure from the Department of Health and Department of Environmental Services of the City and County of Honolulu. Your Committee received testimony in opposition to this measure from the Hawaii Food Industry Association and one individual.

Your Committee finds that under the deposit beverage container program, dealers are required to operate a redemption center unless the dealer is located in a high-density population and within two miles of a certified redemption center that is operated independently of a dealer. This has resulted in a significant number of dealers being exempt from operating redemption centers. This measure limits the exemption to one mile, rather than two miles of a certified redemption center that is operated independently of a dealer to require more dealers to operate redemption centers thereby providing more recycling opportunities to Hawaii consumers.

Your Committee notes the testimony of the Department of Health and agrees that the effective date of this measure should be extended by three years, to July 1, 2023, to allow the Department of Health to convene an advisory committee per section 342G-122, Hawaii Revised Statutes, and revise section 11-282-31, Hawaii Administrative Rules, to update the dealer exemptions to operate redemption centers.

Your Committee has amended this measure by inserting an effective date of July 1, 2023.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2727, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2727, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Ruderman).

SCRep. 2462 Human Services on S.B. No. 2310

The purpose and intent of this measure is to require certain amounts of child support monies collected by the Department of Human Services for public assistance of a child to pass through to the family receiving the public assistance; and to require the Department of Human Services to disregard passed through child support payments when determining the needs of an applicant for or recipient of public assistance.

Your Committee received testimony in support of this measure from the Planned Parenthood Votes Northwest and Hawaii, American Association of University Women of Hawaii, Hawaii Appleseed Center for Law and Economic Justice, Zonta Club of Hilo, National Association of Social Workers - Hawaii, Hawaii Children's Action Network, Hawaii Women's Coalition, and three individuals. Your Committee received comments on this measure from the Department of the Attorney General and Department of Human Services.

Your Committee finds that child support payments can make a substantial difference in the lives of families who are currently receiving or are at risk of needing public assistance. An additional \$100 to \$200 a month translates to a significant difference in quality of life in order to meet basic daily necessities. Modest increases in income from low-income families have been correlated with increased school attendance and achievement in long-term earning potential for children.

Your Committee heard the concerns of the Department of Human Services regarding implementation of a pass-through program.

Accordingly, your Committee has amended this measure by extending the effective date to January 1, 2021.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2310, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2310, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2463 Human Services on S.B. No. 2339

The purpose and intent of this measure is to require the Department of Health to establish an Alzheimer's disease and related dementia training program for care workers whose work involves extensive contact with participants or residents in various care facilities and programs. This measure is further intended to specify training curriculum and continuing education requirements.

Your Committee received testimony in support of this measure from the Maui County Office on Aging; International Longshore Warehouse Union Local 142; Alzheimer's Association, Aloha Chapter; Kokua Council; and 30 individuals. Your Committee received comments on this measure from the Department of Health, Department on Aging, Department of Human Services, and the Healthcare Association of Hawaii.

Your Committee finds that an estimated twenty-nine thousand individuals in the State suffer from Alzheimer's disease, a progressive brain disease that is the sixth leading cause of death in the nation.

Your Committee further finds that, due to the nature of Alzheimer's disease, there is a high demand for in-home care, adult daycare, assisted living facilities, and care homes. Assistance for most of the daily life activities at these facilities is performed by nurse aides or nursing assistants.

Your Committee notes there is currently no professional expertise on Alzheimer's Disease and related dementia in any Department of Health program. Therefore, it is important to ensure that staff in these facilities are adequately trained to work with people with Alzheimer's disease and related dementias.

Your Committee has amended this measure by deleting section 3, thus eliminating language relating to medicaid reimbursement.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2339, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2339, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2464 Human Services on S.B. No. 2892

The purpose and intent of this measure is to grant immunity from civil and criminal liability to individuals who provide information or assistance in child abuse investigations.

Your Committee received testimony in support of this measure from the Department of Human Services.

Your Committee finds the Child Abuse Prevention and Treatment Act, as amended, provides federal funding to states for prevention, assessment, investigation, prosecution, and treatment activities for child abuse and neglect. On January 7, 2019, the Victims of Child Abuse Act Reauthorization Act of 2018, was enacted, further amending certain provisions of the Child Abuse Prevention and Treatment Act.

Your Committee learned through testimony that the federal Administration for Children and Families informed the State that failure to comply with the amended section of the Child Abuse Prevention and Treatment Act by June 30, 2020, would result in withholding grant funding.

Therefore, your Committee has amended this measure by inserting an effective date of June 30, 2020.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2892, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2892, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2465 Human Services on S.B. No. 2893

The purpose and intent of this measure is to amend the definition of “chronically homeless” to align with the federal definition and to reduce confusion among providers, communities, and private partners.

Your Committee received testimony in support of this measure from the Department of Human Services, Governor’s Coordinator on Homelessness, and Democratic Party of Hawai‘i.

Your Committee finds that in 2015, the United States Department of Housing and Urban Development issued its definition of “chronically homeless.” The homeless services providers of the communities’ continuum of care are required to use the definition in receipt of federal funds. Amending the State’s definition of “chronically homeless” to better align with the federal agency’s definition will allow more flexibility, efficiency, and consistency in the delivery of homeless services.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2893, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2893, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2466 (Joint) Government Operations and Technology on S.B. No. 2307

The purpose and intent of this measure is to require all state and state funded facilities to have internet computer and wireless access filters to block access to pornography sites.

Your Committees received testimony in support of this measure from the Department of Transportation. Your Committees received comments on this measure from the State Procurement Office, Hawaii State Library System, and Office of Enterprise Technology Services.

Your Committees find that the Office of Enterprise Technology Services, which procures internet services for most executive branch agencies, has implemented policies that restrict pornographic and other inappropriate sites. However, internet access is controlled and supplied by third party service providers that work directly with the agencies. Your Committees further find that the Hawaii State Library System also has user policies and software to restrict access to inappropriate sites, which is of particular importance to the Library as some of the federal funds it receives is conditioned on its compliance with the Children’s Internet Protection Act. Additionally, your Committees note that the measure is not intended to interfere with free speech.

Your Committees have amended this measure by:

- (1) Referencing the Children’s Internet Protection Act in the purpose section of the bill;
- (2) Clarifying that the restrictions placed on access apply only to state office buildings and public facilities, such as the airport and do not apply to state-owned housing or dormitories;
- (3) Removing the requirement that state-funded buildings or facilities follow the same restriction, as it may be overly broad;
- (4) Specifying that this measure does not apply to the Attorney General’s office because it has programs, such as the Internet Crimes Task Force, which will need access to such sites;
- (5) Removing references to 103D and 103F, Hawaii Revised Statutes;
- (6) Inserting this new policy by way of a new section in chapter 27, Hawaii Revised Statutes, which relates to state functions and responsibilities as agencies may obtain internet services by means that do not require the use of the Hawaii Procurement Code; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2307, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2307, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.
Government Operations: Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).
Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

SCRep. 2467 Energy, Economic Development, and Tourism on S.B. No. 2801

The purpose and intent of this measure is to require the Public Utilities Commission to establish preferential electricity rates for residential properties located within a five-mile radius of a utility scale wind energy facility.

Your Committee received testimony in support of this measure from the Environmental Caucus of the Democratic Party of Hawaii; We Are One, Inc; 350Hawaii; and nineteen individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Hawaii State Energy Office, Public Utilities Commission, and Hawaiian Electric.

Your Committee finds that utility scale wind energy facilities are a valuable source of renewable energy and brings the State closer to realizing its goal of one hundred percent renewable energy by 2045. However, your Committee further finds that there are financial,

societal, and environmental costs to the installation of industrial wind energy systems. Utility scale wind energy facilities typically require a significant amount of tax dollars and raises health concerns. Your Committee also finds that the communities near utility scale wind energy systems are burdened by being in close proximity to these facilities, yet seldom receive direct benefits to offset the potential risks of living near utility scale wind facilities. This measure will offset the potential risks by offering preferential electricity rates to communities near a utility scale wind energy facility.

Your Committee has amended this measure by:

- (1) Reducing the radius of eligible properties that receive the preferential rate from five miles to one mile;
- (2) Requiring the Public Utilities Commission, in its consideration of preferential rates, to ensure that any subsidization being paid by other customers is limited and reasonable and to periodically review and adjust the rate, if necessary; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2801, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2801, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

SCRep. 2468 Energy, Economic Development, and Tourism on S.B. No. 2564

The purpose and intent of this measure is to:

- (1) Create the clean energy revolving loan fund;
- (2) Repeal the building energy efficiency revolving loan fund; and
- (3) Appropriate funds from the clean energy revolving loan fund to make clean energy investment loans or other approved uses.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs; Hawaii State Energy Office; Hawaii Green Infrastructure Authority; Climate Protectors Coalition; Environmental Caucus of the Democratic Party of Hawaii; Our Revolution Hawaii; We Are One, Inc; 350Hawaii; Blue Planet Foundation; Imua Alliance; and fourteen individuals. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that due to the State's high energy costs, the ability of ratepayers to support broad areas of the clean energy technology market are extremely limited. Attracting and leveraging private capital with limited public funds in a sustainable manner is critical to support Hawaii's evolving energy market and provide affordable energy options for all ratepayers. This measure will assist in the expansion of Hawaii's renewable energy supply by providing a more flexible source of funding that does not rely on ratepayer funds for programs to finance a broader range of clean energy technology.

Your Committee has amended this measure by:

- (1) Clarifying that the fees collected by the Hawaii Green Infrastructure Authority do not include monies collected as a result of tariffs approved by the Public Utilities Commission or monies meant for repaying the public benefit fee;
- (2) Changing the source of funding for the clean energy revolving loan fund from the energy security special fund to the general fund; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2564, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2564, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

SCRep. 2469 Energy, Economic Development, and Tourism on S.B. No. 2820

The purpose and intent of this measure is to increase the renewable energy technology tax credit cap per unit per system for multi-family residential properties.

Your Committee received testimony in support of this measure from the Climate Protectors Coalition; Our Revolution Hawaii; We Are One, Inc; ADON Renewables; 350Hawaii; Hawaii Solar Energy Association; and twenty-one individuals. Your Committee received comments on this measure from the Department of Taxation, Hawaii State Energy Office, and Tax Foundation of Hawaii.

Your Committee finds that Hawaii has one of the highest costs of living in the nation. A contributing factor to the high cost of living are utility rates, more specifically the price of electricity. Hawaii is positioned in one of the best locations to utilize solar energy to provide electricity to residential and commercial properties. However, your Committee notes that multi-family residential properties have not received an increase in the renewable energy technologies income tax credit since the establishment of the tax credit in 2003, while both single-family residential properties and commercial properties have been increased. This measure will bring multi-family residential properties into equity with single family residential properties for the renewable technologies income tax credit by increasing the cap amount of the tax credit.

Your Committee has amended this measure by:

- (1) Changing the effective date to apply to taxable years beginning after December 31, 2020; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2820, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2820, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

SCRep. 2470 Energy, Economic Development, and Tourism on S.B. No. 2855

The purpose and intent of this measure is to:

- (1) Appropriate funds from the Hawaii film and creative industries development special fund; and
- (2) Make technical amendments to the Hawaii film and creative industries development special fund law.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism.

Your Committee finds that Act 228, Session Laws of Hawaii 2019 (Act 228), renamed the Hawaii television and film development special fund as the Hawaii film and creative industries development special fund. This was done in order to align the fund with the increased export of creative intellectual property development, workforce expansion across sectors, and marketing programs that promote the growth of the film, creative, and media industries. However, your Committee finds that Act 228 did not include an appropriation into and out of the newly-named special fund.

Your Committee notes that while an appropriation into the Hawaii film and creative industries development special fund is not being proposed by this measure, an appropriation out of the special fund is included so that any grants or contributions received by the Department of Business, Economic Development, and Tourism from other sources that are deposited into the special fund may be expended.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2855, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2855, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

SCRep. 2471 Energy, Economic Development, and Tourism on S.B. No. 2561

The purpose and intent of this measure is to require retailers of household appliances to display available energy efficiency rebates and state-specific energy operation costs on the products.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office; Climate Protectors Coalition; Environmental Caucus of the Democratic Party of Hawaii; Our Revolution Hawaii; 350Hawaii; Blue Planet Foundation; We Are One, Inc; and fifteen individuals.

Your Committee finds that Hawaii businesses and residents pay the highest electricity rates in the nation, further exacerbating the already high cost of living and increasing monthly financial burdens. Your Committee believes that supplying information about available rebates and energy costs would enable consumers to make wise choices when selecting products that yield long-term savings as opposed to choosing a product solely based on the cost. According to the Appliance Standards Awareness Project, appliance efficiencies will yield Hawaii's consumers \$537,000,000 net cost savings over fifteen years. This measure will help consumers make more informed decisions and save consumers money by providing more accurate cost information on available rebates in the State.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2561 and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

SCRep. 2472 Judiciary on S.B. No. 2148

The purpose and intent of this measure is to:

- (1) Increase the amount of the fine that may be assessed against a noncandidate committee making only independent expenditures that has received at least one contribution of more than \$10,000, or spent more than \$10,000 in an election period, for campaign spending law violations; and
- (2) Allow the Campaign Spending Commission to order that payment of a fine assessed against a noncandidate committee, or any portion thereof, be paid from the personal funds of an officer of the noncandidate committee.

Your Committee received testimony in support of this measure from the Campaign Spending Commission and Common Cause Hawaii.

Your Committee finds that campaign spending laws are often extremely difficult to enforce against large political action committees. Your Committee further finds that the structure and considerable financial resources of these organizations insulates them from effective enforcement in many situations. This measure increases the ability of the Campaign Spending Commission to assess effective penalties against large political action committees for violations of campaign spending laws.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2148 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2473 Government Operations on S.B. No. 2453

The purpose and intent of this measure is to save energy by setting a minimum temperature of no less than seventy-three degrees Fahrenheit for air conditioning in state buildings under the jurisdiction of the Department of Accounting and General Services.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services. Your Committee received comments on this measure from the Hawaii State Energy Office.

Your Committee finds that conserving energy by raising the minimum temperature of air conditioners and air conditioning systems can result in increased savings. Your Committee further finds that there are industry standards that are applicable to setting temperatures based on clothing, activity level, and humidity.

Your Committee finds that it is prudent to begin with a pilot project of a manageable number of buildings, to determine the most cost-efficient temperature levels that do not impair operation levels, rather than imposing a set figure on all state facilities. Your Committee notes that the Department of Accounting and General Services is responsible for less than five percent of all State-owned facilities, which are mainly office buildings.

Your Committee has amended this measure by limiting its mandate to state office buildings for which the Department of Accounting and General Services is responsible, and by not specifying a set temperature, but rather to base required temperatures on industry recommendations. This Act has been further amended to provide an exemption for state buildings or facilities within state buildings utilized for the purposes of storage, medical or scientific activities which your Committee acknowledges may have specific temperature requirements.

Your Committee notes that the Department of Accounting and General Services should work with the Hawaii State Energy Office to identify the appropriate industry standard for temperature settings in these buildings.

Your Committee has also amended this measure by:

- (1) Requiring the Comptroller to submit a report of temperature ranges suitable for achieving energy savings in the office buildings of the State 20 days before the start of the 2021 legislative session;
- (2) Inserting an effective date of July 1, 2020; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2453, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2453, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2474 Judiciary on S.B. No. 217

The purpose and intent of this measure is to require that candidates' names be randomized on individual ballots and across precincts.

Your Committee received comments on this measure from the Office of Elections.

Your Committee finds that numerous studies show that the candidate listed first on a ballot has an advantage. Under existing law, candidates' names are listed in alphabetical order from top to bottom, giving advantage to whomever's surname begins at the start of the alphabet. Therefore, your Committee finds that to ensure that candidates are not given an advantage due to ballot placement of their name, placement of candidate's names should be randomized.

Your Committee notes that ideally individualized ballots should be randomized to the extent that two voters voting within the same precinct would receive ballots with a different order of candidate names; however, your Committee understands that current voting systems render such randomization impracticable. Your Committee further recognizes that precincts are no longer in use since the State adopted voting by mail; however, if precincts or another similar subdivision were to be in place, it is preferable that randomized ballots be rotated between such subdivisions to lessen any advantage gained by a candidate being listed first. Your Committee supports any efforts to ensure a level playing field regarding candidates' name placement on the ballot.

Your Committee has amended this measure by:

- (1) Deleting language that would have required ballots to be randomly rotated from one precinct to another;
- (2) Deleting the exception subjecting the chief election officer to the limitations of the voting system in use;

- (3) Clarifying that the chief election officer may complete any existing contract with a vendor who is unable to implement the random ballot requirement;
- (4) Specifying that the random ballot requirement shall apply to the election cycle beginning January 1, 2022;
- (5) Amending section 1 to reflect its amended purpose; and
- (6) Inserting an effective date of January 1, 2021.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 217, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 217, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Kim).

SCRep. 2475 Judiciary on S.B. No. 2090

The purpose and intent of this measure is to clarify and expand procedural requirements, including standards of review upon appeal, for judicial review of an agency's denial of access to a government record.

Your Committee received testimony in support of this measure from Common Cause Hawaii, Civil Beat Law Center for the Public Interest, Pono Hawai'i Initiative, and two individuals. Your Committee received testimony in opposition to this measure from the University of Hawai'i System and Hawaii Health Systems Corporation. Your Committee received comments on this measure from the Department of the Attorney General, Office of Information Practices, Board of Trustees of the Employees' Retirement System, and Board of Trustees of the Hawaii Employer-Union Health Benefits Trust Fund.

Your Committee finds that it is the established and long-standing policy of the State that in a democracy, the people are vested with the ultimate decision-making power and thus government agencies exist to aid the people in the formation and conduct of public policy. Transparency of government processes and public participation are the only viable and reasonable methods of protecting the public's interest. Therefore, your Committee finds that the discussions, deliberations, decisions, and actions of government agencies must be conducted as openly as possible. A denial of access to government records should therefore only occur when necessary and as allowed by the Constitution of the State of Hawaii and state law. Existing law lacks sufficient judicial review procedural requirements to ensure that denial of access to government records occurs only after balancing the policy goals of the State Constitution and the Uniform Information Practices Act with the public's interest in disclosure. This measure clarifies and expands judicial review procedural requirements to further the State's policy to enhance governmental accountability through a general policy of timely access to government records.

Your Committee has amended this measure by:

- (1) Inserting language to authorize the court to extend the thirty-day deadline for an agency to file a motion for summary judgment in support of its denial of access to the government record that is presently before the court if doing so is in the interest of justice;
- (2) Deleting language that would have limited a stay of the circuit court's decision pending the supreme court's determination to no more than thirty days after the petition is filed; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2090, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2090, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2476 (Joint) Agriculture and Environment and Government Operations on S.B. No. 2720

The purpose and intent of this measure is to prohibit state agencies from using state funds for the purchase of beverages in plastic bottles or rigid plastic containers, with limited exceptions.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Department of Education, and two individuals. Your Committees received testimony in opposition to this measure from the Hawaii Food Industry Association, International Bottled Water Association, American Chemistry Council, Plastics Industry Association, and one individual. Your Committees received comments on this measure from the State Procurement Office.

Your Committees find that plastic bottles are not sustainable and their use by state agencies is in conflict with the State's sustainability goals. Plastic bottles use vast quantities of fossil fuels and water; leave a large carbon footprint as they are manufactured, filled, shipped, and sold around the world; and are not biodegradable in any meaningful way. Additionally, bottled beverages are often more costly than alternative options. Your Committees recognize that there are situations in which beverages in plastic bottles are necessary for health and safety. This measure seeks to ensure that state funds are not expended for the purchase of beverages in plastic or rigid plastic containers except under limited circumstances.

Your Committees have amended this measure by:

- (1) Moving the proposed language from chapter 103D, Hawaii Revised Statutes, relating to the State procurement Code, to chapter 342H, Hawaii Revised Statutes, relating to Solid Waste Pollution; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2720, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2720, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2477 (Joint) Agriculture and Environment and Government Operations on S.B. No. 2776

The purpose and intent of this measure is to:

- (1) Fill the vacant Environmental Management Division chief staff position by October 1, 2020;
- (2) Require that that Clean Water Branch of the Environmental Management Division include, as part of its Hawaii beach monitoring program, water quality testing during brown water advisories;
- (3) Require the Department of Health issue health advisories during brown water advisories that explain the health risks associated with water runoff;
- (4) Establish an Environmental Management Division oversight advisory board to provide oversight and guidance to the Environmental Management Division; and
- (5) Require the auditor to conduct a performance and management audit of the Environmental Management Division's Clean Water Branch and Wastewater Branch.

Your Committees received testimony in support of this measure from the Surfrider Foundation, Surfrider Oahu, Friends of Maha'ulepu, and three individuals. Your Committees received testimony in opposition to this measure from the Department of Health.

Your Committees find that the Environmental Management Division oversees the clean air, clean water, solid and hazardous water, wastewater, and safe drinking water branches of the Department of Health. The Division provides executive and functional leadership, policy, oversight, and coordination for these branches. Brown water advisories are issued by the clean water branch as preemptive, precautionary notice to the public of potential risks of entering coastal waters.

This measure seeks to provide greater oversight and require increased water testing and communication of possible risks to ensure the public is informed as to when it is safe for them and their families to enter coastal waters. Your Committees find that water quality continues to be of concern to residents and visitors and therefore conversations as to how best protect the public and environment should continue between policy makers and stakeholders.

Your Committees note the testimony of the Department of Health regarding efforts to fill the vacant Environmental Management Division chief staff position and finds that the mandate to fill the vacancy by October 1, 2020, is not necessary to this measure.

Your Committees have amended this measure by:

- (1) Deleting language that would have required the Department of Health to fill the vacant environmental management division chief staff position by October 1, 2020; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2776, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2776, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2478 (Joint) Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 3084

The purpose and intent of this measure is to:

- (1) Require that residential and commercial solid waste be separated by source to be processed at appropriate facilities;
- (2) Require counties to update their integrated solid waste management plans;
- (3) Establish a new waste stream reduction goal by 2030; and
- (4) Appropriate funds to each county to help subsidize their waste management programs.

Your Committees received testimony in support of this measure from the Pono Hawai'i Initiative, Our Revolution Hawaii, and four individuals. Your Committees received testimony in opposition to this measure from the Department of Environmental Management of the County of Hawai'i, Department of Environmental Services of the City and County of Honolulu, Retail Merchants of Hawaii, and one individual. Your Committees received comments on this measure from the Department of Health.

Your Committees find that the State has a duty to protect the environment, economy, and public health of its people. The Office of Solid Waste Management in the Department of Health is tasked with leading the State's solid waste management planning by promoting source reduction, recycling, and bioconversion through the provision of a comprehensive, innovative, and effective

statewide public education and awareness program concerning the value of source reduction and recycling, and ways the public can participate in these areas.

Your Committees further find that many state and local governments have recycling mandates or landfill prohibitions to encourage waste diversion; however, Hawaii is severely lacking in this area. Your Committees acknowledge that financial constraints and other considerations may cause enactment of this measure in its existing form impracticable. Your Committees therefore find that this measure should instead update the State's total solid waste goals to comport with the Aloha+ Challenge goals, thereby supporting best management practices for sustainability and protecting the environment.

Accordingly, your Committees have amended this measure by:

- (1) Deleting language that would have required that residential and commercial solid waste be separated by source to be processed at appropriate facilities;
- (2) Deleting language that would have required the counties to update their integrated solid waste management plans;
- (3) Establishing a new waste stream reduction goal by 2030 of seventy percent, rather than eighty percent;
- (4) Deleting the appropriation of funds to each county to help subsidize their waste management programs;
- (5) Amending section 1 to reflect its amended purpose; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3084, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3084, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Thielen, Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

SCRep. 2479 (Joint) Human Services and Commerce, Consumer Protection, and Health on S.B. No. 2894

The purpose and intent of this measure is to improve the Department of Human Service's ability to enforce regulations when individuals or organizations are operating child care without a license or registration from the department by clarifying provisions of the child care law.

Your Committees received testimony in support of this measure from the Department of Human Services.

Your Committees note that the amendments proposed by this measure will provide needed clarity to existing statutes to improve the department's enforcement of violations and to more effectively stop, deter, and prevent a person or organization from engaging in illegal child care operations.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2894, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2894, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Thielen, Wakai, Fevella).

SCRep. 2480 Human Services on S.B. No. 2949

The purpose and intent of this measure is to:

- (1) Authorize a civil cause of action by a vulnerable adult for financial exploitation;
- (2) Allow attorney's fees and costs and punitive damages;
- (3) Establish degrees and classes of felonies for financial exploitation of an elderly person or disabled adult; and
- (4) Establish a presumption of financial exploitation.

Your Committee received testimony in support of this measure from the Hawaii Credit Union League and three individuals. Your Committee received testimony from the Department of Human Services supporting the creation of a private civil cause of action, but requested that the newly created cause of action be placed in Hawaii Revised Statutes, Chapter 663 Entitled Tort Actions.

Your Committee finds that financial exploitation is a fast-growing form of elder and disabled adult abuse, and frequently occurs without the explicit knowledge or consent of the victim and deprives them of vital financial resources.

Your Committee also finds that financial elder and disabled adult abuse is a crime that occurs often and is difficult to uncover. Hawaii's credit unions have long worked with law enforcement to investigate and prosecute these types of crimes. Your Committee notes that this measure will help to further protect vulnerable adults and their assets.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2949 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

SCRep. 2481 (Majority) Ways and Means on S.B. No. 2140

The purpose and intent of this measure is to extend the period during which a county may adopt an ordinance to establish a surcharge on state tax.

Your Committee received testimony in support of this measure from the Mayor of the County of Hawaii, Mayor of the County of Kauai, Mayor of the County of Maui, Maui County Council, Department of Public Works of the County of Maui, Department of Transportation of the County of Maui, Maui Metropolitan Planning Organization Policy Board, and three members of the Maui County Council.

Your Committee received comments on this measure from the Department of Taxation, Maui Chamber of Commerce, and Tax Foundation of Hawaii.

Your Committee finds that section 46-16.8(c), Hawaii Revised Statutes, authorizes counties to establish a surcharge on the state general excise and use taxes by adopting an ordinance prior to March 31, 2019. Your Committee further finds that this measure extends the period in which a county may adopt such an ordinance until June 30, 2021, and this extra time will provide counties with an opportunity to plan for updates to transportation projects and transportation infrastructure repairs.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2140 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, 1 (Riviere). Excused, 2 (Kahele, Taniguchi).

SCRep. 2482 Ways and Means on H.B. No. 299

The purpose and intent of this measure is to require that an organization that funds a project by using a state grant awarded pursuant to chapter 42F, Hawaii Revised Statutes, publicly recognize that the project was supported by that grant.

Your Committee received testimony in support of this measure from the Office of Community Services and two individuals.

Your Committee finds that this measure will help to promote greater awareness of, and appreciation for, the State's support of projects having a public purpose that are intended to benefit the community.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 299, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 299, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 2483 (Joint) Water and Land and Hawaiian Affairs on S.B. No. 2111

The purpose and intent of this measure is to add the Chairperson of the Hawaiian Homes Commission or the chairperson's designee to serve as an ex officio, voting member of the Commission on Water Resource Management.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, one member of the Maui County Council, and two individuals. Your Committees received testimony in opposition to this measure the Center for Hawaiian Sovereignty Studies. Your Committees received comments on this measure from the Department of Land and Natural Resources.

Your Committees find that the state water code has not been implemented in full compliance with the requirements of section 174C-101(a), Hawaii Revised Statutes, that adequate reserves of water for current and foreseeable development of Hawaiian home lands be incorporated into and protected by the decisions of the Commission on Water Resource Management. The Commission on Water Resource Management has only reserved water for current and foreseeable development of Hawaiian home lands on Oahu and Molokai, and in Keauhou on the island of Hawaii. Your Committees further find that representation on the Commission on Water Resource Management by the Hawaiian Homes Commission is necessary for section 174C-101(a), Hawaii Revised Statutes, to be properly fulfilled. This measure will add the Chairperson of the Hawaiian Homes Commission to the Commission on Water Resource Management, which will help ensure adequate reserves of water for current and future development of Hawaiian homelands.

Your Committees have amended this measure by:

- (1) Including the Chairperson of the Department of Hawaiian Home Lands as ex officio, voting member of the Commission on Water Resource Management and making conforming amendments; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2111, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2111, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

Hawaiian Affairs: Ayes, 5. Noes, none. Excused, none.

SCRep. 2484 (Joint) Human Services and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2308

The purpose and intent of this measure is to appropriate funds to establish within the Department of Human Services a sexually exploited children statewide coordinator and program and a commercial sexual exploitation of children steering committee to address the needs of sexually exploited children in the State. Requires the sexually exploited children statewide program and the commercial sexual exploitation of children steering committee to provide annual reports to the Legislature. Establishes within each county a commercial sexual exploitation of children multidisciplinary team to facilitate the sharing of information and to immediately respond to cases of sexually exploited children.

Your Committees received testimony in support of this measure from the Department of Human Services; Department of Education; Office of the Public Defender; Police Department, City and County of Honolulu; Police Department, County of Hawai'i; Hawaii Youth Services Network; Hawai'i Psychological Association; Breastfeeding Hawaii; Hawaii Women's Coalition; Planned Parenthood Votes Northwest and Hawaii; The Sex Abuse Treatment Center at Kapi'olani; IMUAlliance; Hawai'i Lodging & Tourism; and two individuals. Your Committees received testimony in opposition to this measure from Harm Reduction Hawaii.

Your Committees find that in the last decade, the commercial sexual exploitation of children has garnered greater attention in Hawaii and throughout the United States. The Department of Human Services has received an increasing number of calls on its hotline for witnesses or victims of child sex trafficking. However, because child sex trafficking is covert, it is difficult to accurately measure the scope of the problem and exploited youth may not identify themselves as victims.

Your Committees further find, in order to adequately serve children who have been sexually exploited, a state-wide coordinator and steering committee is needed to develop and utilize comprehensive interagency case management strategies, protocols, and a multi-disciplinary system response to cases that is both victim-centered and offender-focused.

Your Committees have amended this measure by:

- (1) Adding the following individuals to serve as members of the steering committee: a representative from the Office of the Public Defender, a nonprofit service provider that delivers direct intervention services to victims of sex trafficking, and a nonprofit service provider that specializes in long-term residential treatment services for victims of sex trafficking;
- (2) Authorizing duly appointed representatives or designees of the listed members to serve on the steering committee; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2308, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2308, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 4. Noes, none. Excused, 1 (Ihara).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

SCRep. 2485 (Joint) Public Safety, Intergovernmental, and Military Affairs and Government Operations on S.B. No. 2376

The purpose and intent of this measure is to require government entities to seek reimbursement for search and rescue expenses for person requiring rescue after leaving a hiking trail to enter a prohibited area or hiking on a trail closed to the public.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and four individuals. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that with the numerous hiking trails available to the public throughout the State, there are certain areas that pose safety concerns and consequently have been closed to the public. Despite this, your Committees find that there are cases of individuals and groups unlawfully entering trails that have been closed off to the public due to safety concerns, ultimately putting those individuals and groups at risk of significant injury and further risking the damage of native habitats and other natural resources being preserved in closed areas.

Your Committees further find that those defying the law by entering into prohibited areas not only put themselves at risk, but create potentially difficult and expensive rescue operations. The costs associated with the search and rescue of individuals who willfully disregard their own safety by ignoring warning signs are considerable. This measure will hold those willfully disregarding the law accountable by requiring a reimbursement of funds used for a search and rescue mission of those who entered a prohibited area.

Your Committees understand that not every search and rescue mission is the result of an intentional disregard of laws that prohibit entry and that there are cases where individuals mistakenly get lost and need help.

Accordingly, your Committees have amended this measure by:

- (1) Specifying that a government entity shall seek a reimbursement for all or a portion of search and rescue expenses from all applicable person or entities in certain situations; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2376, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2376, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 5. Noes, none. Excused, none.

Government Operations: Ayes, 5. Noes, none. Excused, none.

SCRep. 2486 (Joint) Public Safety, Intergovernmental, and Military Affairs and Transportation on S.B. No. 2686

The purpose and intent of this measure is to:

- (1) Extend the period that a county may adopt a surcharge on state tax, under certain conditions; and
- (2) Allow a county with a population equal to or less than five hundred thousand that adopts a surcharge on state tax to use the revenues for disaster relief.

Your Committees received testimony in support of this measure from the Office of the Mayor of the County of Hawai'i and one member of the Maui County Council. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committees find that existing law authorized counties to establish a county surcharge on state taxes in order to financially assist the counties with operating or capital costs of public transportation. Your Committees further find that the deadline for a county to establish a county surcharge was March 31, 2019. However, not all the counties were able to establish a surcharge by the mandated deadline, and therefore are burdened with the operating and capital costs of public transportation. Your Committees believe that providing an opportunity to establish a county surcharge will alleviate and equalize any financial burden of certain public transportation costs throughout the State. This measure will provide an additional opportunity to offset operating or capital costs of public transportation by extending the deadline for a county to establish a surcharge on state tax.

Your Committees have amended this measure by:

- (1) Changing the date the counties are required to adopt an ordinance to adopt a county surcharge on state tax from December 31, 2020 to September 30, 2020; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2686, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2686, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 5. Noes, none. Excused, none.

Transportation: Ayes, 4. Noes, none. Excused, 1 (English).

SCRep. 2487 (Joint) Public Safety, Intergovernmental, and Military Affairs and Agriculture and Environment on S.B. No. 2701

The purpose and intent of this measure is to grant county agencies the right to enter property to investigate agricultural buildings and structures for violations of and compliance with building code exemption qualifications.

Your Committees received testimony in support of this measure from the Department of Agriculture and one individual. Your Committees received testimony in opposition to this measure from the Department of Public Works of the County of Hawaii, Hawaii Association of Realtors, and one individual.

Your Committees find that the existence of non-compliant agricultural buildings threatens public health and safety. Existing law establishes specific requirements for agricultural buildings. These requirements exist to ensure appropriate usage in specified areas and to protect the well-being of the public and the land itself. However, your Committees find that there is not a sufficient mechanism in place to allow for the proper inspection of agricultural buildings to ensure that those buildings are in compliance with statutory requirements. This measure addresses the lack of on-site inspection authority of exempted agricultural buildings for appropriate county departments or agencies.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2701 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Thielen, Fevella).

SCRep. 2488 (Majority) Public Safety, Intergovernmental, and Military Affairs on S.B. No. 3054

The purpose and intent of this measure is to require that every person who permanently moves a firearm out of the State to contact the appropriate county police department to notify it that the firearm has been moved out of the State.

Your Committee received testimony in support of this measure from the Office of the Mayor of the County of Hawaii and two individuals. Your Committee received testimony in opposition to this measure from the National Rifle Association of America, Hawaii Firearms Coalition, and one hundred ninety-seven individuals.

Your Committee finds that Hawaii is widely recognized for having some of the strictest gun safety laws. This has allowed the State to enjoy having the lowest deaths by gun per capita in the nation. However, your Committee finds that based on a recent study conducted by the Legislative Reference Bureau, there is no accurate data on the number of firearms currently in the State. This is in part due to the State having no reporting mechanism for when a firearm is moved out of the State. Your Committee believes that it is prudent to have accurate data regarding how many firearms are in the State to ensure the safety of residents and visitors in the State by holding all firearm holders accountable and having the means to hold firearm holders accountable. This measure will help the State make firearms holders accountable by requiring any person who is permanently moving a firearm out of the State to notify the appropriate county police department within a certain timeframe.

Your Committee has amended this measure by:

- (1) Deleting language that would have made failure to notify the appropriate county police department that a registered firearm was permanently moved out of the State a petty misdemeanor; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3054, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3054, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, 1 (Fevella). Excused, 1 (Harimoto).

SCRep. 2489 (Joint) Hawaiian Affairs and Water and Land on S.B. No. 3019

The purpose and intent of this measure is to:

- (1) Allow traditional Hawaiian farming systems, traditional Hawaiian crops, and small-scale farming on lands designated as conservation districts; and
- (2) Allow a legal landowner or lessee on lands designate as conservations districts to build a tiny home.

Your Committees received testimony in support of this measure from one member from the Aha Moku Advisory Committee, one member from the Kauai County Council, and Pono Hawai'i Initiative. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources and one individual. Your Committees received comments on this measure from one individual.

Your Committees find that in 2015, the State enacted Act 31, Session Laws of Hawaii 2015 which encouraged, as agricultural objectives of the State, the growth and development of traditional Hawaiian farming systems and traditional Hawaiian crops, as well as the growth and development of small-scale farms. Hawaii's traditional farming systems, such as loko i'a (fishponds), māla (cultivated gardens), and lo'i (irrigated patches), were important agricultural technologies that once sustained a thriving and robust island community.

Your Committees further find that these traditional Hawaiian farming systems still play a critical role in Hawaii and should be encouraged to promote greater self-sufficiency, crop diversity, and food security. Moreover, traditional Hawaiian crops like kalo, 'uala (sweet potato), limu (various seaweeds), 'awa, hō'i'o (large native fern), and 'olena (turmeric) that were cultivated using these traditional Hawaiian farming techniques continue to be important agricultural products for food, medicine, and cultural practices today. Supporting traditional Hawaiian farming systems is critical towards helping the State achieve food security and increasing domestic production of a local food supply. This measure will expressly protect the traditional and customary rights of native Hawaiians and support traditional Hawaiian farming traditions and encourage the efficient use of conservations lands.

Your Committees have heard the concerns of the Department of Land and Natural Resources that this measure may permit uses that may be contrary to the purposes and objective of the conservation district.

Accordingly, your Committees have amended this measure by:

- (1) Deleting its contents and inserting language to require the Department of Land and Natural Resources to adopt administrative rules within one year allowing for traditional Hawaiian farming systems and tiny homes on lands designated as conservation districts; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3019, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3019, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Hawaiian Affairs: Ayes, 5. Noes, none. Excused, none.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2490 Hawaiian Affairs on S.B. No. 2195

The purpose and intent of this measure is to provide liability protections for public and private landowners who expressly allow access and use of their land to practitioners of native Hawaiian traditional and customary practices.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Center for Hawaiian Sovereignty Studies, Partners in Development Foundation, Ka Lāhui Hawai'i Political Action

Committee, and thirteen individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice and one individual. Your Committee received comments on this measure from the Department of Attorney General.

Your Committee finds that article XII, section 7, of the Constitution of the State of Hawaii requires the State to protect and enforce the reasonable exercise of native Hawaiian traditional and customary rights. Native Hawaiians are legally entitled to engage in the reasonable exercise of these rights and associated practices on both publicly- and privately-owned lands that are less than fully developed, regardless of whether they are granted express permission by landowners.

However, notwithstanding the rights of native Hawaiian cultural practitioners, public and private landowners and property managers with liability concerns may refuse to accommodate practitioners' access to sites and resources on lands under their ownership or control. As a result, in order to exercise their constitutional right to reasonably engage in native Hawaiian traditional and customary practices, practitioners often risk potential conflict with landowners or property managers and face potential citation and even arrest. This measure provide liability protections to public and private land owners, which will encourage the accommodation of native Hawaiian practitioners' traditional and customary rights on public and private lands.

Your Committee acknowledges the concerns of Hawaii Association for Justice but makes mention that in its testimony the Attorney General did basically support the measure with comments. However, the Attorney General did not raise the concerns raised by the Hawaii Association for Justice so hopefully, going forward, those concerns can be overcome.

Your Committee has amended this measure by:

- (1) Clarifying that article XII, section 7, of the Constitution of the State of Hawaii requires the State to protect the reasonable exercise of native Hawaiian traditional and customary rights;
- (2) Specifying that native Hawaiians are legally entitled to engage in the reasonable exercise of these rights and associated practices on both publicly- and privately-owned lands that are less than fully developed, regardless of whether or not they are granted express permission by landowners, as set forth in *State v. Pratt*, 124 Hawaii, 329 (2010) and 127 Hawaii 206 (2012);
- (3) Clarifying that notwithstanding the rights of native Hawaiian cultural practitioners, public and private landowners and property managers with liability concerns might refuse to accommodate practitioners' access to sites and resources on lands under their ownership or control; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2195, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2195, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keohokalole).

SCRep. 2491 Hawaiian Affairs on S.B. No. 2388

The purpose and intent of this measure is to:

- (1) Change the maximum amount of public funds available to each candidate running for the Office of State Senator, State Representative, County Council, and the Board of Trustees of the Office of Hawaiian Affairs to an unspecified per cent of the expenditure limit established for each election; and
- (2) Amend the amount each Office of Hawaiian Affairs candidate must raise in order to qualify for public funds.

Your Committee received testimony in support of this measure from Common Cause Hawaii and one individual. Your Committee received comments on this measure from the Campaign Spending Commission and Office of Hawaiian Affairs.

Your Committee finds that candidates running for the Board of Trustees of the Office of Hawaiian Affairs who voluntarily agree to participate in the partial public funding program run statewide campaigns but are provided substantially less partial public funding than other statewide candidates. This measure will increase the partial public funding expenditure limit and maximum amount of public funds available for candidates for these Board of Trustees candidates.

Your Committee has amended this measure by:

- (1) Increasing the amount a candidate for the Board of Trustees of the Office of Hawaiian Affairs must raise to qualify for public funds from \$1,500 to \$5,000; and
- (2) Inserting an effective date of upon approval.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2388, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2388, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2492 Hawaiian Affairs on S.B. No. 2113

The purpose and intent of this measure is to:

- (1) Require the Department of Hawaiian Home Lands to negotiate with native Hawaiians before offering Hawaiian home lands for lease to the public by auction; and

- (2) Require annual reports regarding negotiations.

Your Committee received testimony in support of this measure from one member of the Maui County Counsel, Ka Lāhui Hawai'i Political Action Committee, La'i'Opua Community Development Corp., and two individuals. Your Committee received testimony in opposition to this measure from the Center of Hawaiian Sovereignty Studies and three individuals. Your Committee received comments on this measure from the Department of the Attorney General and Department of Hawaiian Home Lands.

Your Committee finds that in the Hawaiian Homes Commission Act, 1920, as amended, the United States Congress established the Hawaiian home lands trust, intending that it would enable its native Hawaiian beneficiaries to return to their land to improve and perpetuate their self-sufficiency and cultural preservation. Administered by the Department of Hawaiian Home Lands, the Hawaiian Homes Commission Act authorizes issuance of leases of available lands to native Hawaiians for occupancy, and of licenses for theaters, garages, service stations, markets, stores, and other mercantile establishments.

Your Committee notes that S.B. No. 2525 (Regular Session of 2020) imposes certain requirements on the disposition of Hawaiian home lands by the Department of Hawaiian Home Lands. Your Committee concludes that the language in S.B. No. 2525 is preferable.

Your Committee has also heard the concerns from the Department of Hawaiian Home Lands and Department of the Attorney General that certain sections of the measure may not be supported by the Hawaii Administrative Procedures Act, Chapter 91, Hawaii Revised Statutes, that certain sections should be codified in the Hawaiian Homes Commission Act rather than the Hawaii Revised Statutes, that certain terms may be vague, and that certain amendments may have unintended consequences and believes these issues merit further discussion by your Committees on Judiciary and Ways and Means.

Your Committee has amended this measure by:

- (1) Deleting its contents and replacing it with the contents of S.B. No. 2525, which:
- (A) Defines "beneficiary consultation";
 - (B) Prohibits the Department of Hawaiian Home Lands from disposing or extending a general lease to non-beneficiaries, unless there are no applicants seeking to enter into a general lease for the use and occupancy of a tract of Hawaiian home lands;
 - (C) Requires the Department of Hawaiian Home Lands to notify beneficiaries through beneficiary consultation prior to the disposition of Hawaiian home lands;
 - (D) Prohibits the Department of Hawaiian Home Lands from establishing additional criteria to enter into a general lease with an applicant, under certain conditions;
 - (E) Specifies that the Department of Hawaiian Home Lands may grant a license or enter into a general lease, under certain conditions;
 - (F) Allocates the interest or other earnings from the Hawaiian Home Loan Fund and Hawaiian Home General Loan Fund into their respective funds, under certain conditions;
 - (G) Requires the Department of Hawaiian Home Lands to submit a quarterly report to the Legislature and beneficiaries; and
 - (H) Authorizes the Department of Hawaiian Home Lands to negotiate with homestead association governed water agencies to maintain water systems prior to other service providers, under certain conditions; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2113, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2113, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2493 (Joint) Water and Land and Hawaiian Affairs on S.B. No. 2191

The purpose and intent of this measure is to authorize the issuance of general obligation bonds for the purpose of funding construction costs of a water storage and distribution system on agricultural lands owned by the Office of Hawaiian Affairs in Wahiawa, Oahu surrounding the Kukaniloko Birthing Stones site.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Hawai'i Farm Bureau, and four individuals. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that the director of finance is authorized to issue general obligation bonds in the sum of \$3,000,000 for the purpose of funding construction costs of a water storage and distribution system on agricultural lands owned by the Office of Hawaiian Affairs in Wahiawa, Oahu surrounding the Kukaniloko birthing stones site, including water storage structures, site work, security fencing, piping, distribution pumps, and stub outs to feed an irrigation system. This measure appropriates those monies for that capital improvement project, which will provide for a water storage and distribution system for agricultural uses.

As affirmed by the records of votes of the members of your Committees on Water and Land and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2191 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).
Hawaiian Affairs: Ayes, 5. Noes, none. Excused, none.

SCRep. 2494 (Joint) Agriculture and Environment and Water and Land on S.B. No. 2706

The purpose and intent of this measure is to amend certain land subdivision and condominium property regime laws related to agricultural land, as recommended pursuant to Act 278, Session Laws of Hawaii 2019.

Your Committees received testimony in support of this measure from the Office of Planning; Department of Agriculture; Department of Planning and Permitting of the City and County of Honolulu; Land Use Commission; Hawaii Cattlemen's Council, Inc.; and Hawai'i Farm Bureau.

Your Committees find that designating land for agricultural uses can increase the long-term sustainability of local agricultural production. Your Committees further find that the State must ensure that agricultural lands are being used for agriculture and improve its enforcement of requirements that agricultural uses are taking place on agricultural lands. This measure amends certain land subdivision and condominium property regime laws related to agricultural land, as recommended by the Office of Planning in its study of subdivision and condominium property regimes on agricultural lands on Oahu to ensure agricultural lands that are organized under a condominium property regime are used for agricultural purposes.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2706 and recommend that it pass Second Reading and be referred to your Committees on Commerce, Consumer Protection, and Health and Judiciary.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2495 Agriculture and Environment on S.B. No. 2623

The purpose and intent of this measure is to:

- (1) Extend the pesticide subsidy program by three years, to June 30, 2025;
- (2) Extend the pesticide subsidy program manager position, including the position's civil service and collective bargaining laws exemption, until the year after the program sunsets, specifically, June 30, 2026; and
- (3) Make appropriations for the program and program manager position for fiscal year 2020-2021.

Your Committee received testimony in support of this measure from the University of Hawaii, Office of the Mayor of the County of Hawai'i, two members of the Hawai'i County Council, Big Island Invasive Species Committee, Land Use Research Foundation of Hawaii, Rancho Aloha Kona Coffee, Bea's Knees Farm, Honalo Farm, Pele Plantations, Konalicious Organic Coffee, Kona Mountain Coffee, Kona Coffee Farmers Association, Lions Gate Farms, Hawai'i Farm Bureau, Maui Chamber of Commerce, Cassandra Farms, Konaloha Farms, LavaRock Farm, Farm Maui LLC, Kau Coffee Growers Cooperative, Rusty's Hawaiian, and seventeen individuals.

Your Committee finds that the pesticide subsidy program in the Department of Agriculture assists coffee growers with offsetting the costs of purchasing certain pesticides known to be effective against the coffee berry borer, a pest highly destructive to coffee. The program was established to run for five years. Your Committee also finds that the current pesticide subsidy program manager position is a full-time, temporary position that is exempt from civil service and collective bargaining laws.

Due to other laws, this exemption from civil service will expire on June 30, 2022. The pesticide subsidy program took longer than anticipated to implement, thus the program sunset date was also extended from June 30, 2019, to June 30, 2021. However, applications for a subsidy for pesticide purchases made in a fiscal year must be filed in the immediately following fiscal year. Therefore, for pesticide purchases made in the last fiscal year of the program (from July 1, 2020, to June 30, 2021), applications for subsidies must be filed in the immediately following fiscal year (anytime from July 1, 2021, to June 30, 2022). The manager position is needed to process these applications for subsidies for costs incurred in the final year of the program, thus, your Committee finds that the civil service exemption and the subsidy program should be extended by three more years.

Your Committee has amended this measure by:

- (1) Inserting an appropriation amount of \$175,000 for FY 2020-2021 for the pesticide subsidy program, including \$25,000 for the salary and fringe benefits of the pesticide subsidy program manager position; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2623, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2623, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2496 Agriculture and Environment on S.B. No. 2713

The purpose and intent of this measure is to appropriate funds to mitigate or eradicate newly detected invasive species threats in the State.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Department of Agriculture; University of Hawaii System; Office of the Mayor of the County of Hawai'i; Big Island Invasive Species Committee;

Hawaii Cattlemen's Council, Inc.; Hawai'i Farm Bureau; Maui Chamber of Commerce; Farm Maui LLC; and two individuals. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that the invasion of insects, snakes, weeds, disease-bearing organisms, and other pests is the single greatest threat to the State's economy, environment, and health. Action is needed to address the threat of invasive species and mitigate their impact on Hawaii's ecosystems and the Hawaii interagency biosecurity plan is the primary guiding document for improving the prevention, detection, and control of invasive species over its ten-year term. Your Committee finds that it is necessary to appropriate funds to protect the State's resources, agriculture, and health and to execute the Hawaii interagency biosecurity plan.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2713, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2713, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2497 Agriculture and Environment on S.B. No. 2712

The purpose and intent of this measure is to:

- (1) Authorize agricultural cooperative associations and consumer cooperative associations to operate as agents to sell the products of their members and nonmember patrons on a nonprofit basis, under certain conditions;
- (2) Allow agricultural cooperative associations and consumer cooperative associations to convert to cooperative associations;
- (3) Authorize an agricultural cooperative association to be formed for purposes in connection with leasing land to its members; and
- (4) Authorize the articles or bylaws of an agricultural cooperative association to provide for referendum upon the affirmative vote of two-thirds of its members voting at any meeting.

Your Committee received testimony in support of this measure from the Small Business Development Center, East Hawaii and seven individuals.

Your Committee finds that a cooperative is an autonomous association of persons united voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly-owned and democratically-controlled enterprise. Cooperatives are based on the values of self-help, self-responsibility, democracy, equality, equity and solidarity.

Your Committee further finds that when an agricultural cooperative incorporates, they choose between one of two cooperative statutes, one relating to agriculture cooperatives and the other relating to consumer cooperatives; however, these statutory options limit cooperatives that are pursuing multi-stakeholder and worker models. To provide cooperatives with greater flexibility in defining membership and organizational structure, many states offer a general cooperative statute. This measure adopts a general cooperative statute to encourage the use of the cooperative model by allowing many different types of business activities to form as cooperatives and diverse stakeholders to form a single cooperative.

Your Committee has amended this measure by:

- (1) Deleting language that would have amended the term "person" for purposes of agricultural cooperative associations to include sacred Hawaiian species and natural ecosystems; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2712, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2712, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2498 Agriculture and Environment on S.B. No. 2722

The purpose and intent of this measure is to establish and appropriate funds for a five-year food hub pilot program under the Department of Agriculture.

Your Committee received testimony in support of this measure from the Department of Agriculture; Surfrider Oahu; Malama Kaa'i; Farm Link Hawai'i; We Are One, Inc.; North Shore Economic Vitality Partnership; Hawaii Farmers Union United; Beyond Organic Consulting, Inc.; Hawaii Ulu Producers Cooperative; Hawaii Farmers Union United - Haleakala Chapter; Malamalama Farm and Center; A'a Li'i Farm; Hawaii Cattlemen's Council, Inc.; Kahumana Organic Farms and Cafe; Farmers Apprentice Mentoring Program; Pono Hawai'i Initiative; Jones Family Farm - Wai'anae; Hawaii Appleseed Center for Law and Economic Justice; Hawai'i Public Health Institute Hawai'i Farm to School Hui; The Collective Cycle LLC; GreenWheel Food Hub; Hawai'i Farm Bureau; Ulupono Initiative; Koku'a Kalihi Valley; Ka Ohana O Na Pua; Farm Maui LLC; Maui Chamber of Commerce; and thirty-nine individuals.

Your Committee finds that farmers in Hawaii face many challenges in achieving economic sustainability, including the limited availability of reliable markets and food hubs, which are facilities used to secure food and process value-added products. A food hub

pilot program will help lower costs for and increase revenue to farmers in the State, help farmers become or remain economically sustainable, and ensure public access to locally grown food and value-added products.

Your Committee has amended this measure by:

- (1) Updating section 1;
- (2) Clarifying that grant funding shall be awarded to qualified applicants for construction or improvement of value-added facilities for aggregation, washing, minimal processing, packaging, cold storage, and other value-added purposes;
- (3) Requiring the Department of Agriculture to establish criteria for the award of initial start-up grant funding or subsequent expansion funding, rather than both, under the pilot program;
- (4) Clarifying that priority for grant funding shall be given to organizations with demonstrated experience in aggregation, washing, minimal processing, packaging, cold storage, and other value-additions for delivering local produce to local markets;
- (5) Specifying that applicants for grant funding shall include corporations, limited liability companies, partnerships, sole proprietorships, non-profit organizations, and agricultural cooperatives with requisite insurance requirements and a certificate of vendor compliance with Hawai'i Compliance Express;
- (6) Clarifying that an applicant seeking to launch the new establishment of a food hub in an area where none currently exists shall have first secured a physical location for the food hub and drafted a detailed plan for the food hub's operation;
- (7) Specifying that the report to the Legislature shall include a recommendation as to whether the program should be made permanent, rather than expanded, with or without modifications; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2722, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2722, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2499 Agriculture and Environment on S.B. No. 2704

The purpose and intent of this measure is to establish and appropriate monies for a crop reimbursement pilot program to reimburse farming operations in the State for the costs of acquiring cover crop seeds or green manure.

Your Committee received testimony in support of this measure from the Department of Agriculture; Surfrider Oahu; Young Progressives Demanding Action; A'a Li'i Farm; Hawai'i Center for Food Safety; Sierra Club of Hawai'i; Larry Jeffs Farms, LLC; Hawai'i Alliance for Progressive Action; Hawai'i Farm Bureau; Farm Maui LLC; and fifty-three individuals.

Your Committee finds that the use of cover crops and green manure increases agricultural productivity and aligns with the State's integrated sustainability goals. Plants used for this purpose, including grasses, legumes, and forbs, add nutrients to the soil, act as windbreaks, assist with water retention, provide habitats for beneficial insects, and help to prevent soil erosion. This measure incentivizes the use of management practices that enhance the quality and sustainability of Hawai'i's agricultural lands.

Your Committee has amended this measure by:

- (1) Requiring that the Department of Agriculture shall distribute the available reimbursement moneys based on the quality of the applicant's cover crop and green manure practice, rather than the award being given on a first-come, first served basis; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2704, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2704, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2500 Agriculture and Environment on S.B. No. 2709

The purpose and intent of this measure is to establish and appropriate funding for the beginning farmer training program to be administered by the Department of Agriculture.

Your Committee received testimony in support of this measure from the Farmers Apprentice Mentorship Program, Land Use Research Foundation of Hawaii, Hawaii Farmers Union United, Hawaii Farmers Union United Haleakala Chapter, Malamalama Farm and Center, Kahumana Organic Farm & Cafe, Pono Hawai'i Initiative, Hawai'i Farm Bureau, Ulupono Initiative, Farm Maui LLC, The Jones Family Farm, The Collective Cycle LLC, Wai'anae Community Re-Development Corporation, Maui Chamber of Commerce, and thirty-three individuals. Your Committee received comments on this measure from the Department of Agriculture and State Procurement Office.

Your Committee finds that it is necessary to support beginning farmers in the State by partnering with nonprofit organizations to expand existing training programs for these farmers. New and aspiring farmers face a myriad of challenges, including acquiring adequate production, business knowledge, and skills and accessing the tools necessary to evaluate their resources and develop feasible farming and business plans. Furthermore, the State lacks qualified farming method teachers and funding for beginning farmer training, and federal funding for beginning farmers is limited and unreliable.

Your Committee believes that the future of the State's farming industry, food supply, and agriculture is reliant upon increasing and diversifying the number of new farmers in the State; introducing regenerative farming methods into the State; enhancing the long-term viability of farm businesses; utilizing and building upon existing beginning farmer training methods; providing opportunities for potential farmers who are socially or financially disadvantaged; and increasing support for beginning farmers who already own or manage a farm, and have farmed for five years or less.

Your Committee has amended this measure by:

- (1) Replacing the Department of Agriculture with the University of Hawaii, West Oahu, Sustainable Community Food System as the lead agency;
- (2) Deleting language that would have required the program to enter into contracts in accordance with the state procurement code, thereby giving the program the ability to choose the procurement method that is most suitable;
- (3) Deleting language that would have mandated criteria for requests for proposals under the program;
- (4) Authorizing the appropriation to the University of Hawaii to be used for administration costs, staff salaries, and expenses for contracting with outside entities, in addition to establishment and implementation of the beginning farmer training program;
- (5) Amending section 1 to reflect its amended purpose; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2709, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2709, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2501 Transportation on S.B. No. 2234

The purpose and intent of this measure is to increase motor vehicle safety by lowering the threshold blood alcohol concentration for the offense of operating a vehicle while under the influence of an intoxicant.

Your Committee received testimony in support of this measure from the Department of Transportation; County of Hawai'i, Office of the Mayor; Honolulu Police Department; Maui County Police Department; Department of the Prosecuting Attorney, City & County of Honolulu; Maui Metropolitan Planning Organization Policy Board; Hawai'i Alliance for Drug-Free Communities; National Safety Council; Advocates for Highway and Auto Safety; Mothers Against Drunk Driving; and twenty-five individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, American Beverage Institute, and Wine Institute.

Your Committee finds that there were over one hundred traffic fatalities in Hawaii last year. Your Committee further finds that in over half of those fatalities, alcohol was a contributing factor. This measure will help to reduce the number of alcohol involved fatalities in the State by reducing the blood alcohol concentration which constitutes an offense of operating a vehicle while under the influence of an intoxicant.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2234 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (English).

SCRep. 2502 Transportation on S.B. No. 2384

The purpose and intent of this measure is to prevent price gouging by towing companies by requiring certain tow operators to provide a written disclosure of certain information and an itemization of charges prior to attaching a disabled vehicle to the tow truck in certain circumstances, such as after a motor vehicle accident.

Your Committee received testimony in support of this measure from Department of Commerce and Consumer Affairs; National Insurance Crime Bureau; GEICO Insurance Agency, Inc.; Kobayashi Sugita & Goda, LLP; and American Property Casualty Insurance Association. Your Committee received comments on this measure from Hawaii Insurers Council; and AAA Hawai'i, LLC.

Your Committee finds that there are a growing number of unscrupulous towing companies who overcharge for their services. Your Committee further finds that these overcharges are paid by either a vehicle owner or their insurance company in order for the vehicle owner to retrieve his or her vehicle. This measure will help prevent price gouging by requiring tow companies to provide the vehicle owner an itemized disclosure to which the owner must agree before towing their vehicle. Your Committee additionally finds that certain automobile clubs, such as AAA own their own fleet of tow trucks.

Accordingly, your Committee has amended this measure by amending the measure to also exempt tow trucks owned by automobile clubs.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2384, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2384, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (English).

SCRep. 2503 (Majority) Transportation on S.B. No. 2401

The purpose and intent of this measure is to improve vehicle safety by repealing several exemptions from the prohibition on operating a pickup truck with a passenger seated in the bed or load-carrying area, including the exemption that allows passengers over twelve years of age to ride in the bed or load-carrying area.

Your Committee received testimony in support of this measure from the Department of Transportation; AAA Hawaii, LLC; and one individual

Your Committee finds that riding in the bed or load-carrying area of a pickup truck is dangerous. Currently, Hawaii law allows for several exemptions by which a person may ride in the bed or load-carrying area of the pickup truck. This measure will repeal the exemptions that allow people to ride in the bed of a truck.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2401, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2401, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3; Ayes with Reservations (Shimabukuro). Noes, 1 (Fevella). Excused, 1 (English).

SCRep. 2504 Transportation on S.B. No. 2508

The purpose and intent of this measure is to define the term "accident" as used in the statewide traffic code that refer to offenses involving vehicles, death, injury to persons and property and leaving the scene, by including the term "collision".

Your Committee received testimony in support of this measure from the Department of Transportation; Honolulu Police Department; and Department of the Prosecuting Attorney, City and County of Honolulu.

Your Committee finds that the term accident is not clear as to whether it includes a collision as to offenses in the statewide traffic code covering accidents involving death, bodily injury, damage to property, duty to give information and aid, and reporting of the accident, death and injury to persons or property. The Department of Transportation, the Honolulu Police Department, and the Department of the Prosecuting Attorney of the City and County of Honolulu each testified that the word "accident" could be interpreted to include, not only the incident or event, but also the state of mind of the offender-- that the event occurred purely without fault, negligence or state of mind of the offender. Thus, a person who has "left the scene of an accident" could never be charged in conjunction with other offenses that require a culpable state of mind such as negligent homicide or negligent injury. Therefore, your Committee has amended this measure by replacing the word "accident" with the word "collision" in the relevant statutes, not to change the meaning of the applicable statutes in any way, but to use more accurate terminology that better reflects the original intention of the statutes. Your Committee also made technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2508, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2508, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

SCRep. 2505 Transportation on S.B. No. 2590

The purpose and intent of this measure is to improve bicyclist safety by allowing a bicyclist to proceed through an intersection from a right turn only lane if they cannot safely merge into the traffic lane; provided they signal intention to merge left, proceed in the right turn only lane, and do not pass a stopped vehicle. The bicyclist is required to exercise reasonable safety when passing a moving vehicle.

Your Committee received testimony in support of this measure from the Department of Transportation; Department of Transportation Services of the City and County of Honolulu; Kauai Path, Inc.; Cycle On Hawaii; and three individuals.

Your Committee finds that currently, bicyclists who are in a right turn only lane but wish to proceed straight through an intersection must first merge into the middle lane. Your Committee finds that this is a potentially dangerous maneuver, as the bicyclist is attempting to merge left while vehicles are attempting to merge right. This measure improves the safety of bicyclists by allowing them to proceed straight through an intersection even when in a right turn only lane.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2590, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2590, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

SCRep. 2506 Transportation on S.B. No. 2672

The purpose and intent of this measure is to improve pedestrian safety by requiring a vehicle approaching a crosswalk from the opposite direction of another vehicle stopped at that crosswalk to yield and not proceed until a pedestrian, if any, has crossed the roadway.

Your Committee received testimony in support of this measure from the Department of Transportation and one individual.

Your Committee finds that currently, when a pedestrian is in a crosswalk, only vehicles on the same side of the intersection of the crosswalk are required to stop for the pedestrian. However, there is no requirement that vehicles on the opposite side of the intersection also stop for the pedestrian in the crosswalk. This measure will require that vehicle approaching a crosswalk from the opposite direction to stop and wait for the pedestrian to cross the roadway before proceeding.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2672 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

SCRep. 2507 Transportation on S.B. No. 2808

The purpose and intent of this measure is to standardize regulations relating to transportation network companies such as Lyft and Uber on a statewide basis by establishing a statutory regulatory framework for transportation network companies that is separate and distinct from the regulations of common carriers and contract carriers, a taxicab, or a for-hire vehicle service, which are currently regulated under the State Motor Carrier law and by ordinances of the respective counties of the State.

Your Committee received testimony in support of this measure from the Department of Customer Services of the City and County of Honolulu; Lyft, Inc.; Uber Technologies, Inc.; and three individuals. Your Committee received testimony in opposition to this measure from the Hawaii Passenger and Property Carriers Association.

Your Committee finds that based on the testimony of the City and County of Honolulu, that attempts were made to regulate these companies that have been operating for several years in the different counties, but that these attempts by the counties resulted in fractured and inconsistent operations. It was challenging for the counties to regulate both taxi cab operations and transportation network companies that operate independently under one umbrella set of regulations that would cover insurance, requirements, fee transparency and applicable caps, trade dress codes, and digital and metered operations.

This measure will standardize the regulation of transportation network companies on a statewide basis to insure consistency, safety, reliability, and cost-effectiveness of the rides provided by the transportation network company drivers while preserving and enhancing access to important transportation options for the residents and visitors of the State.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2808 and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

SCRep. 2508 Transportation on S.B. No. 2992

The purpose and intent of this measure is to improve motorcycle safety by permanently authorizing the Department of Transportation under certain conditions to designate shoulders upon which the Department of Transportation may authorize the driving of motorcycles.

Your Committee received testimony in support of this measure from the Department of Transportation; Street Bikers United Hawaii, Inc.; Special Forces Brotherhood Motorcycle Club; and forty-two individuals. Your Committee received testimony in opposition to this measure from AAA Hawaii, LLC.

Your Committee finds that the Legislature passed Act 218, Session Laws of Hawaii 2018, which authorized the Department of Transportation to designate certain road shoulders upon which the motorcycles could drive. Your Committee further finds that this Act is to sunset on December 31, 2020. The Department of Transportation testified that it will designate shoulder lanes as usable provided that the corridor is congested, and motorcycle operators ride under fifteen miles per hour. Your Committee also finds that authorizing the Department of Transportation to make these designations helps to reduce the risk of injury to motorcycle operators. This measure makes Act 218, Session Laws of Hawaii 2018, permanent.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2992 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3; Ayes with Reservations (Harimoto). Noes, none. Excused, 2 (English, Fevella).

SCRep. 2509 Water and Land on S.B. No. 70

The purpose and intent of this measure is to amend the law relating to environment.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and replacing it with language to establish 2.0 FTE positions and appropriate funds to continue

small boat harbor saturation enforcement operation pilot testing within the Ala Wai and Keehi small boat harbors and develop effective law enforcement for the State's small boat harbors.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 70, as amended herein, and recommends that it be recommitted to your Committee on Water and Land, in the form attached hereto as S.B. No. 70, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2510 Water and Land on S.B. No. 2381

The purpose and intent of this measure is to establish greater shoreline setback requirements.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Coastal Planners, LLC. Your Committee received comments on this measure from the Office of Planning, City and County of Honolulu Department of Planning and Permitting and Building Industry Association Hawaii.

Your Committee finds that real property in the State is often vulnerable to hazards such as coastal erosion and flooding from tsunamis, storms, and high waves. These hazards can be exacerbated by sea level rise and human-caused interruptions to natural sand supply. In Hawaii, all beaches are prone to seasonal or episodic erosion from high waves and storms. In addition, chronic erosion affects seventy percent of the beaches on Oahu, Maui, and Kauai.

Your Committee further finds that numerous court decisions have affirmed that privately-owned oceanfront land is lost when shorelines undergo landward retreat and oceanfront properties become smaller. Since oceanfront properties experience landward retreat, building setbacks need to be adjusted to respond to this new geographic landscape. This measure redefines shoreline setback requirements which will protect the State's communities and coastal natural and cultural resources from the impact of sea level rise and coastal erosion.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 31, 2033, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2381, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2381, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Riviere).

SCRep. 2511 Water and Land on S.B. No. 2531

The purpose and intent of this measure is to establish a fund to increase the existing plant stocks, invest in public outreach and renovate the equipment and facilities of the state tree nursery.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Big Island Invasive Species Committee, Hawai'i Center for Food Safety, Sierra Club of Hawai'i, and one individual. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that there is a need to update and expand the resources available to the state tree nursery, including increasing the available selections of tree and plants that provide beneficial functions in agricultural production. This measure establishes a state tree nursery fund to provide funding that will allow for the increase of existing tree stocks. Your Committee heard testimony that there is already an existing program that monies may be appropriated to for the purposes of increasing tree stocks.

Accordingly, your Committee has amended this measure by:

- (1) Removing the establishment of the state tree nursery fund and making conforming amendments;
- (2) Clarifying that the appropriation is for the forest stewardship program to use for the following purposes:
 - (a) To work in collaboration with appropriate stakeholders, including but not limited to the greenhouse gas sequestration taskforce and researchers from the College of Tropical Agriculture, to expand and increase the existing plant stocks of the state tree nursery to include a wider range of native trees and plant species identified by the division of forestry and wildlife to be beneficial in the agricultural setting for improving agricultural productivity and improving soil health;
 - (b) To invest in renovation and update the equipment and facilities of the state tree nursery to expand its capacity to provide clean planting materials for a variety of public and private projects; and
 - (c) To invest in public outreach and education regarding the benefits of trees and plants in providing soil health and their appropriate uses in the agricultural setting;
- (3) Specifying that the United States Department of Agriculture Natural Resource Service is a consulted stakeholder;
- (4) Inserting an effective date of December 31, 2033, to encourage further discussion; and
- (5) Making technical nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2531, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2531, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Riviere).

SCRep. 2512 Agriculture and Environment on S.B. No. 2778

The purpose and intent of this measure is to require that all sunscreens sold and distributed in Hawaii must only contain active ingredients classified by the Food and Drug Administration as a Category I substance – generally recognized as safe and effective for the therapeutic indication, starting January 1, 2023.

Your Committee received testimony in support of this measure from Surfrider Oahu, Animal Rights Hawai'i, Friends of Hanauma Bay, H2Ohana, Activities & Attractions Association of Hawaii, Haereticus Environmental Laboratory, Kokua Sun Care LLC, Fair Wind Cruises, For the Fishes, Surfrider Foundation, and twenty-five individuals. Your Committee received testimony in opposition to this measure from the Hawaii Food Industry Association, Personal Care Products Council, American Chemistry Council, Consumer Brands Association, and Consumer Healthcare Products Association. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that in February 2019, the Food and Drug Administration proposed an update to the regulatory requirements for nonprescription, over-the-counter sunscreen products. In the proposed update, the FDA proposed that only two of the sixteen active ingredients in commercial sunscreen products are generally recognized as safe and effective (GRASE). The remaining active ingredients are not confirmed or have yet to be confirmed to be GRASE.

Your Committee notes that the legislature has taken proactive action to prevent potential toxicologic impacts of active sunscreen ingredients on coral reefs and human health. Specifically, Act 104, Session Laws of Hawaii 2018, bans the sale, offer of sale, and distribution of sunscreen that contains oxybenzone or octinoxate in the State, without a prescription issued by a licensed healthcare provider. Accordingly, your Committee finds that this measure is in the interest of promoting the health of Hawaii's marine environment, residents, and the millions of visitors to the islands yearly.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2778 and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

SCRep. 2513 Agriculture and Environment on S.B. No. 2781

The purpose and intent of this measure is to prohibit the intentional release of balloons inflated with gas that is lighter than air.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, University of Hawaii West Oahu, Animal Rights Hawaii, Surfrider Foundation Oahu, Beach Environmental Awareness Campaign Hawai'i, Hawaii Wildlife Fund, fifty-seven individuals, and a petition signed by over thirteen hundred individuals. Your Committee received testimony in opposition to this measure from two individuals.

Your Committee finds that the intentional release of balloons inflated with lighter-than-air gas poses a danger and nuisance to native wildlife and coastal communities. Your Committee recognizes that these balloon releases contribute to marine debris, which harms the coastal environment through smothering and abrasion. Many animals are attracted to the bright colors of these balloons, and face severe injury, starvation, or death through ingesting or entanglement with the soft plastic debris or ribbon attached to the balloons. Your Committee further notes that there are other eco-friendly options to celebrate or commemorate life events. According to testimony received by your Committee, several cities and states across the nation have already passed laws limiting the intentional release of balloons inflated with lighter-than-air gas.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2781 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

SCRep. 2514 Agriculture and Environment on S.B. No. 2474

The purpose and intent of this measure is to control the spread of little fire ants in the State by:

- (1) Requiring the use of best practices, as identified by the Department of Agriculture and Hawaii Ant Lab, for the treatment of little fire ants by pest control operators;
- (2) Authorizing the Department of Agriculture in consultation with the Pest Control Board to adopt rules to carry out the requirement to use best practices; and
- (3) Requiring the posting of the best practices, and any rules that may be adopted by the Department of Agriculture and the Pest Control Board, on their respective websites.

Your Committee received testimony in support of this measure from the Hawai'i Farm Bureau, Farm Maui LLC, and four individuals. Your Committee received testimony in opposition to this measure from the Department of Agriculture, Pest Control

Board, and Hawaii Pest Control Association. Your Committee received comments on this measure from the Office of the Mayor of the County of Hawai'i and one individual.

Your Committee finds that little fire ant populations are currently on Hawaii, Kauai, Maui, and Oahu and threaten human health, wildlife, agriculture, and tourism. The Hawaii Ant Lab's dual approach of applying insect growth regulators followed by a barrier treatment for treating little fire ants have been successful in controlling infestations on properties of homeowners and farmers. Your Committee also finds that untreated little fire ant nests can grow and spread to surrounding properties, thereby further exacerbating the problems and creating a much bigger challenge for mitigation efforts.

Your Committee recognizes that infestation treatments are continually changing because the pest itself and conditions in which it thrives are dynamic. Accordingly, your Committee has amended this measure by:

- (1) Allowing the Department of Agriculture to identify best practices for the treatment of little fire ants in conjunction with the Hawaii Ant Lab, rather than allowing the Department, in consultation with the Pest Control Board, to adopt rules to identify best practices for the purposes of pest control operator statutes;
- (2) Clarifying that the Department of Agriculture shall post on its website best practices for the treatment of little fire ants;
- (3) Deleting language that would have required the Pest Control Board to require pest control operators to use best practices identified by the Department of Agriculture and Hawaii Ant Lab for the treatment of little fire ants;
- (4) Deleting language that would have allowed the Pest Control Board to adopt rules in consultation with the Department of Agriculture regarding requirements for pest control operators to use best practices;
- (5) Deleting language that would have required the Pest Control Board to post on its website rules adopted and best practices identified by the Department of Agriculture and Hawaii Ant Lab for the treatment of little fire ants by pest control operators;
- (6) Inserting language to allow the Pest Control Board to revoke, suspend, or refuse to renew any license for violation of any best practice identified by the Department of Agriculture;
- (7) Amending section 1 to reflect its amended purpose; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2474, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2474, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

SCRep. 2515 Agriculture and Environment on S.B. No. 2724

The purpose and intent of this measure is to prohibit the use of lead-based paint on outdoor structures after December 31, 2021.

Your Committee received testimony in support of this measure from the Department of Health and two individuals.

Your Committee finds that while the use of lead-based paint is restricted on residential structures, it continues to be applied on outdoor structures, such as playground equipment, highways, and parking lots. The continued use of these paints on such common and accessible structures not only contaminates the environment, but exposes our children and adults who live, work, and play in proximity to these structures to the dangers of lead poisoning. To date, only Delaware has restricted the use of lead-based paint on outdoor structures. Your Committee finds that this measure will remove future sources of lead from our environment and enhance the public health and welfare of the people of Hawaii.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2724 and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

SCRep. 2516 (Joint) Technology and Energy, Economic Development, and Tourism on S.B. No. 2527

The purpose and intent of this measure is to establish and appropriate funds for the broadband service infrastructure grant program to award grants to applicants to extend deployment of facilities used to provide broadband service to unserved and underserved areas of the State.

Your Committees received testimony in support of this measure from Charter Communications. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism; and Department of Commerce and Consumer Affairs.

Your Committees find that the economic and business incentives to deploy broadband service infrastructure may be insufficient to ensure full access to broadband services in low-density, rural locations and other unserved and underserved areas of the State where the unit costs of providing service may not provide an adequate return on investment. Economically feasible deployment of infrastructure for high-speed broadband across the State, especially to low population density areas, presents a more formidable challenge than faced by most states because the unique geography of our State prevents the use of less costly options for connectivity. The availability of grants for deployment to unserved and underserved areas would further encourage new investment in broadband service infrastructure and enhance economic development, education, health care, and emergency services in the State.

Your Committees further find that the Federal Communications Commission, through its Rural Digital Opportunity Fund, will direct up to \$20,400,000,000 over the next ten years to finance up to gigabit speed broadband networks in unserved rural areas and note the concerns of the Department of Commerce and Consumers Affairs regarding potential impacts that the establishment of a broadband infrastructure grant program may have on certain areas receiving federal consideration.

Your Committees further note that S.B. No. 553, S.D. 2 (Regular Session of 2019), which was previously passed by the Senate, is a substantially similar measure that establishes a broadband infrastructure grant program to provide broadband services to unserved and underserved areas of the State. Your Committees conclude that the language in S.B. No. 553, S.D. 2, is preferable.

Accordingly, your Committees have amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 553, S.D. 2, a substantially similar measure, which:
 - (A) Establishes the broadband infrastructure grant program to award grants to applicants to extend deployment of facilities used to provide broadband service to unserved and underserved areas of the State, including requirements for eligible applicants, procedures for the applications, procedures for the review and approval of applications, and rules;
 - (B) Requires the Department of Business, Economic Development, and Tourism to adopt rules to implement the broadband infrastructure grant program within one hundred eighty days of the approval of this measure;
 - (C) Appropriates an unspecified amount for the establishment and administration of the broadband infrastructure grant program; and
 - (D) Inserts an effective date of July 1, 2050, to encourage further discussion;
- (2) Making further amendments that:
 - (A) Specify that no funds under the broadband infrastructure grant program may be used to support any project involving the upgrade of an existing broadband plant by an applicant; and
 - (B) Specify that eligible applicants commit to paying a minimum of twenty per cent of the project costs out of the applicant's own funds; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Technology and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2527, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2527, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

SCRep. 2517 Technology on S.B. No. 2432

The purpose and intent of this measure is to:

- (1) Remove the requirement that the Director of Commerce and Consumer Affairs take into account the geography and topography of a proposed service area, and the present, planned, and potential expansion in facilities or cable services of an applicant's proposed cable system and existing cable systems; and
- (2) Require that the Director of Commerce and Consumer Affairs require cable operators to provide cable service to residences in their service area where there is a minimum density of at least twenty-five homes per linear mile, with certain exceptions.

Your Committee received testimony in support of this measure from Charter Communications. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that access to television service is critical in today's current events-driven world, and a lack of access to cable television service places a unique burden and hardship upon the residents of the State. Requiring cable operators to offer cable service in areas that have twenty-five homes in a linear mile provides residents in these areas with the access necessary to sustain the needs and uses of those residents.

Your Committee has amended this measure by:

- (1) Clarifying that the service deployment requirement threshold shall not apply where service is already available from at least three other cable franchisees or multichannel programming distributors; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2432, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2432, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

SCRep. 2518 (Joint) Technology and Government Operations on S.B. No. 3031

The purpose and intent of this measure is to require and appropriate funds for the Department of Accounting and General Services and Department of Budget and Finance, in consultation with the Office of Enterprise Technology Services, to develop and implement a uniform financial database.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services and Department of Education. Your Committees received comments on this measure from the Department of Budget and Finance and Office of Enterprise Technology Services.

Your Committees find that developing a uniform financial database for use by all state agencies would improve government accountability and transparency, leverage existing information technology systems, consolidate data from multiple existing systems into a single system of record, and normalize disparate account coding practices used by different state agencies. Furthermore, the uniform system needs to be able to provide timely information to the Legislature at various summary levels and at a detail level to the lowest available tracked organizational code. Such a system should be comparable to enterprise reporting programs and business analytics tools used in the private sector.

Your Committees have amended this measure by:

- (1) Deleting language that would have appropriated an unspecified amount out of the general fund for fiscal year 2020-2021;
- (2) Inserting language that authorizes the issuance of an unspecified amount of general obligation bonds for the development and implementation of a uniform financial database;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Technology and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3031, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3031, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Technology: Ayes, 4. Noes, none. Excused, 1 (Wakai).

Government Operations: Ayes, 5. Noes, none. Excused, none.

SCRep. 2519 (Joint) Government Operations and Housing on S.B. No. 2658

The purpose and intent of this measure is to create the position of director of housing within the department of business, economic development, and tourism to coordinate government resources to respond to Hawaii's housing shortage.

Your Committees received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, Chamber of Commerce Hawaii, and two individuals. Your Committees received comments on this measure from the Hawaii Public Housing Authority.

Your Committees find that there is a unique opportunity to increase the supply of housing by building more housing units on state-owned lands along the rail transit corridor. According to testimony received by your Committees, the agencies that control state lands have a limited understanding of the real estate development and government land processes. This means that existing state lands may not be redeveloped for uses that will help achieve the state goal of increasing housing at all price points. Your Committees recognize that a centralized authority with the ability to collaborate across various state agencies and coordinate state resources is needed to appropriately respond to Hawaii's housing crisis.

Your Committees have amended this measure by:

- (1) Changing the title of the position of director housing to the position of housing coordinator;
- (2) Attaching the position to the Hawaii Housing Finance and Development Corporation under chapter 201H, Hawaii Revised Statutes;
- (3) Making the position of housing coordinator exempt from civil service;
- (4) Revising the duties and responsibilities of the position to include organizing and maintaining a housing opportunity working group to find ways to maximize housing development efficiency and report its efforts to the Governor and the Legislature;
- (5) Deleting language that would have required the housing coordinator to address complaints and other issues concerning public housing;
- (6) Amending Section 1 to reflect its amended purpose; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2658, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2658, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 5. Noes, none. Excused, none.

Housing: Ayes, 5. Noes, none. Excused, none.

SCRep. 2520 Energy, Economic Development, and Tourism on S.B. No. 3164

The purpose and intent of this measure is to establish the State Commission on Surfing.

Your Committee received testimony in support of this measure from the Hawaii Tourism Authority and one individual. Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism and Department of Land and Natural Resources.

Your Committee finds that Hawaii is the birthplace of surfing. Surfing has a strong cultural connection to Hawaii and plays a significant role in the history and economy of the State. Despite this, many people are unaware of the history and unique connection that Hawaii has with surfing. This measure will educate the public regarding the history and significance of surfing by establishing a State Commission on Surfing.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3164, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3164, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

SCRep. 2521 Energy, Economic Development, and Tourism on S.B. No. 2821

The purpose and intent of this measure is to, beginning January 1, 2025, eliminate the renewable energy technologies income tax credit for solar energy systems that are not used to heat water for multi-family resident and commercial properties.

Your Committee received testimony in support of this measure from 174 Power Global. Your Committee received testimony in opposition to this measure from the Hawaii PV Coalition; Environmental Caucus of the Democratic Party of Hawaii; Climate Protectors Coalition; Our Revolution Hawaii; Tesla; We Are One, Inc; 350Hawaii; and seventeen individuals. Your Committee received comments on this measure from the Department of Taxation, Hawaii State Energy Office, Tax Foundation of Hawaii, ADON Renewables, and Ulupono Initiative.

Your Committee finds that Act 207, Session Laws of Hawaii 2003, established the renewable energy technologies tax credit to incentivize residential and commercial properties to install renewable energy technology in an attempt to bring the State closer to its one hundred percent renewable energy by 2045. Your Committee further finds that it has been seventeen years since the establishment of the renewable energy technologies tax credit and that the installation of solar energy systems has decreased, thereby decreasing the need for a solar energy tax credit. Your Committee believes that it is time to start investing in new and innovative renewable sources of energy outside the scope of solar energy. This measure will open opportunities for the State to begin investing in other new and innovative sources of renewable energy by eliminating the renewable energy technologies tax credit for certain solar energy systems.

Your Committee has amended this measure by:

- (1) Eliminating the renewable energy technologies income tax credit for solar energy systems that the primary purpose is not to heat water for a single-family residential property after December 31, 2024;
- (2) Increasing the renewable energy technologies tax credit for certain solar energy systems for a multi-family residential property to \$750; and
- (3) Providing that a power purchase agreement for commercial properties that was approved by the Public Utilities Commission prior to December 31, 2019, shall continue receiving the tax credit regardless of any amendments made to the renewable energy technologies tax credit law.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2821, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2821, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3; Ayes with Reservations (Keohokalole, Taniguchi). Noes, none. Excused, 2 (Inouye, Fevella).

SCRep. 2522 Energy, Economic Development, and Tourism on S.B. No. 3166

The purpose and intent of this measure is to add two more members to the Stadium Authority Board that shall consist of a resident of Aiea or Halawa and a resident of Alii Plantation, Crosspointe, or Foster Village.

Your Committee received testimony in support of this measure from the Stadium Authority Board.

Your Committee finds that the Stadium Authority is responsible to maintain, operate, and manage the stadium and its attached facilities. Under existing law, the Stadium Authority Board consists of nine members who are appointed by the Governor. Your Committee further finds that there needs to be more input on decisions that come before the Stadium Authority Board from residents who are most affected by the use of the stadium. This measure will ensure that input from the public is taken into consideration on any decision affecting the stadium by including two extra members on the Stadium Authority Board from residential locations near the stadium.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3166, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3166, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

SCRep. 2523 Energy, Economic Development, and Tourism on S.B. No. 3007

The purpose and intent of this measure is to require the Department of Business, Economic Development, and Tourism to make a public disclosure identifying the taxpayers receiving tax credits for certain economic activities.

Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism; Department of Taxation; and Tax Foundation of Hawaii.

Your Committee finds that the motion picture, digital media, and film production income tax credit and tax credit for research activities utilize a significant amount of taxpayer monies to support the research and film industries. Your Committee believes that taxpayers should be able to access information regarding who is receiving the tax credits and how much of the tax credits these businesses and organizations are receiving. This measure will improve transparency in how taxpayer monies are being used by requiring a public disclosure of who is receiving certain tax credits and how much they are receiving.

Your Committee has amended this measure by:

- (1) Clarifying that the public disclosure identifies who the taxpayer is and how much of the tax credit they are receiving;
- (2) Amending the effective date to apply to taxable years beginning after December 31, 2020; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3007, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3007, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

SCRep. 2524 Energy, Economic Development, and Tourism on S.B. No. 2841

The purpose and intent of this measure is to make an emergency appropriation to provide funds for the Stadium Authority for payroll, various repair and maintenance costs, contracts for service, and operating equipment.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services and Stadium Authority.

Your Committee finds that there are several unbudgeted and unexpected expenditures resulting from a shortfall of available ceiling to continue Stadium Authority operations through the second half of the fiscal year. These expenditures are necessary to ensure a structurally safe facility for visitors and residents of the State. This measure would increase the ceiling for the stadium special fund to ensure the safety of all who use the stadium and to ensure the continued operations of the stadium throughout the year.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2841, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2841, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

SCRep. 2525 (Joint) Energy, Economic Development, and Tourism and Higher Education on S.B. No. 2562

The purpose and intent of this measure is to:

- (1) Establish the Pacific International Space Center for Exploration Systems as a separate line item within the Department of Business, Economic Development, and Tourism and place the Pacific International Space Center for Explorations System within the Department of Business, Economic Development, and Tourism for administrative purposes;
- (2) Amend the composition of the board of directors of the Pacific International Space Center for Exploration Systems;
- (3) Create six positions within the Pacific International Space Center for Exploration Systems;
- (4) Transfer the rights, powers, functions, and duties of the Pacific International Space Center for Exploration Systems to the Department of Business, Economic Development, and Tourism; and
- (5) Appropriate funds.

Your Committees received testimony in support of this measure from the National Aeronautics and Space Administration Solar System Exploration Research Virtual Institute; Oceanit Laboratories, Inc; Center for Space Resources at the Colorado School of Mines; and six individuals. Your Committees received comments on this measure from the Department of Business, Economic Development, and Tourism and Pacific International Space Center for Exploration Systems.

Your Committees find that Hawaii plays an important role in the development of the aerospace industry, given Hawaii's location and resident expertise in a broad range of aerospace-related technologies. The Pacific International Space Center for Exploration Systems (PISCES) is currently administratively attached to the Office of Aerospace Development within the Department of Business, Economic Development, and Tourism. Your Committees further find that PISCES is entering a transition period in which it will need to make modifications to move from the Research Corporation of the University of Hawaii's contract-based operations to the Department of Business, Economic Development, and Tourism. This measure will make the necessary adjustments and modifications that will make the transition to the Department of Business, Economic Development, and Tourism possible and allow the program to continue to operate.

Your Committees have amended this measure by:

- (1) Authorizing the Executive Director of PISCES, instead of the Director of Business, Economic Development, and Tourism, to prescribe the duties and qualifications and fix the salaries of employees that are to be transferred; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2562, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2562, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Taniguchi).
Higher Education: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Kidani).

SCRep. 2526 Energy, Economic Development, and Tourism on S.B. No. 2054

The purpose and intent of this measure is to:

- (1) Establish an annual surcharge on property taxes on parcels within an infrastructure improvement district that are sold or developed after an appropriation is made to improve the infrastructure;
- (2) Authorize the counties to retain a portion of the surcharge for administrative expenses; and
- (3) Exempt from the surcharge parcels that do not change ownership.

Your Committee received testimony in opposition to this measure from one member of the Maui County Council and Hawaii Association of Realtors. Your Committee received comments on this measure from the Department of Taxation, Office of Planning, and Tax Foundation of Hawaii.

Your Committee finds that insufficient infrastructure is a contributing factor to the lack of affordable housing in Hawaii. Currently, developers are required to fund necessary infrastructure improvements, which has led to delays in construction and the development of expensive housing. Your Committee further finds that there are jurisdictions that fund infrastructure improvements through real property taxes. This measure will authorize the Legislature, upon ratification of a constitutional amendment, to establish a surcharge on taxation of certain property within an infrastructure improvement district to offset some cost for developers to provide more housing in the State.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2054, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2054, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

SCRep. 2527 Energy, Economic Development, and Tourism on S.B. No. 2809

The purpose and intent of this measure is to authorize the issuance of general obligation bonds and appropriate funds for certain transit-oriented development projects.

Your Committee received testimony in support of this measure from Hawaii Housing Finance and Development Corporation.

Your Committee finds that the Office of Planning is the lead agency to coordinate and advance smart growth and transit-oriented development planning within the State. Transit-oriented development is essential to developing mixed-use, mixed-income projects on state lands in close proximity to transit stations. Your Committee further finds that the Office of Planning requires funds for statewide planning and coordination for certain transit-oriented development projects that are identified in the state strategic plan. This measure will provide the necessary funds for certain transit-oriented development projects in the State.

Your Committee has amended this measure by:

- (1) Changing the general obligation bond amount to an unspecified amount; and

(2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2809, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2809, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

SCRep. 2528 (Joint) Housing and Water and Land on S.B. No. 2652

The purpose and intent of this measure is to amend section 201H-38 of the Hawaii Revised Statutes to provide that income restrictions are not required for projects that are built for Hawaii residents, who will be owner-occupants, and who own no other property.

Your Committees received testimony in support of this measure from one individual. Your Committees received testimony in opposition to this measure from the Department of Planning and Permitting of the City and County of Honolulu and Hawaii Housing Finance and Development Corporation.

Your Committees find that many affordable housing unit projects in the State face the situation where purchasers of below market units later flip the property by selling them at a higher price to an out of state investor. This measure aims to clarify that affordable housing projects should be occupied by the owners who are residents of the State.

Accordingly, your Committees have amended this measure by:

- (1) Providing that the restriction on ownership applies to for-sale projects;
- (2) Clarifying that the no income limit restrictions are an alternative to provisions already in chapter 201H; and
- (3) Providing that the for-sale project units have owner-occupancy requirements in perpetuity.

As affirmed by the records of votes of the members of your Committees on Housing and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2652, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2652, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.
Housing: Ayes, 5. Noes, none. Excused, none.
Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2529 (Joint) Housing and Water and Land on S.B. No. 2648

The purpose and intent of this measure is to provide that lands set aside to the Hawaii Housing Finance and Development Corporation by the Governor or leased to the corporation by other state departments and agencies are exempt from the definition of "public lands" and to clarify that the disposition of such lands are subject to the requirements of chapter 171, Hawaii Revised Statutes or legislative approval.

Your Committees received testimony in support of this measure from Hawaii Housing Finance and Development Corporation and Imua Alliance. Your Committees received comments on this measure from the Department of Land and Natural Resources.

Your Committees find that currently, only lands already owned or controlled by the Hawaii Housing Finance and Development Corporation are exempt from the definition of public lands. This means that any new housing development projects on public lands which the Hawaii Housing Finance and Development Corporation wishes to undertake must undergo approval from the Board of Land and Natural Resources. Your Committees find that this extra step is burdensome and impedes the development of affordable housing which the State desperately needs. Your Committees further find that any land which is leased to the Hawaii Housing Finance and Development Corporation by other state departments or agencies but is no longer needed should be returned to those leasing departments or agencies.

Your Committees have amended this measure by:

- (1) Requiring that lands no longer needed by the Hawaii Housing Finance and Development Corporation for housing, finance, or development must be returned to the state department or agency from which they came; and
- (2) Deleting a provision which requires the Hawaii Housing Finance and Development Corporation to dispose of all its lands as if they were public lands.

As affirmed by the records of votes of the members of your Committees on Housing and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2648, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2648, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Housing: Ayes, 5. Noes, none. Excused, none.
Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2530 (Joint) Housing and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2214

The purpose and intent of this measure is to expedite the permitting process for certain housing development projects by requiring state or county agencies to issue discretionary permits for housing development projects that meet certain requirements within sixty days of receipt of a permit application deemed to be complete by the receiving state or county agency.

Your Committees received testimony in support of this measure from the Building of Industry Association Hawaii and Chamber of Commerce Hawaii. Your Committees received testimony in opposition to this measure from the Department of Planning and Permitting and one individual. Your Committees received comments on this measure from the Department of the Attorney General, Hawaii Housing Finance and Development Corporation, and Historic Hawaii Foundation.

Your Committees find that permitting delays are one of the biggest problems housing developers face in Hawaii. By requiring discretionary permits to be issued within sixty days, this measure will help in expediting the development of much needed housing which meet the requirements of transit oriented development projects.

Your Committees find that the Hawaii Housing Finance and Development Corporation does not have the mechanisms to review and approve projects. Your Committees further find that various sections of the measure require clarity. Finally, your Committees find that due to concerns about building code, health, and safety, the automatic approval process should apply to discretionary permits and not to ministerial permits.

Your Committees have amended this measure by:

- (1) Deleting language which tasks the Hawaii Housing Finance and Development Corporation with reviewing proposed projects;
- (2) Clarifying the definition of a developer;
- (3) Clarifying that the units are available to households at or below one hundred percent of the area median income;
- (4) Clarifying that permits must comply with applicable statutes and ordinances;
- (5) Including among the planning standards that the housing project will not demolish or substantially affect the characteristics of a structure that meet the criteria for listing on the Hawai'i Register of Historic Places;
- (6) Changing the automatic approval process to apply to discretionary permits; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Housing and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2214, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2214, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chairs on behalf of the Committees.

Housing: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 2531 (Joint) Housing and Human Services on S.B. No. 2952

The purpose and intent of this measure is to assist low-income housing renters in the state by appropriating funds for the state rent supplement program.

Your Committees received testimony in support of this measure from the Governor's Coordinator on Homelessness, Hawaii Public Housing Authority, Partners in Care, Catholic Charities Hawai'i, and two individuals.

Your Committees find that Hawaii has the highest per capita rate of homelessness of any state in the nation and the highest rate of chronically unsheltered homeless per capita of any state. Your Committees further find that the state rent supplement for homeless families and individuals is critically necessary to address homelessness. Your Committees further find that the state rent supplement program provides a "shallow", but sustained subsidy to struggling households. Unlike the "deep" subsidy housing choice voucher program, better known as the section 8 program, which helps families at the lowest ends of the income scale by bridging a wide affordability gap between income and housing costs, the state rent supplement program helps households who are closer to financial self-sufficiency but still have a narrow affordability gap to fill. The state rent supplement program provides an ongoing subsidy, enabling homeless households or those at imminent risk of homelessness to close the affordability gap, maintain housing, and achieve self-sufficiency. This measure appropriates funds to support the state rent supplement program. Your Committees note the testimony from both Partners in Care and Catholic Charities Hawai'i, who both testified that given the expansion of this program, part of the appropriations should be spent on additional staffing. Your Committees further note the recommendation of Catholic Charities Hawaii, who notes that given the increasing number of homeless in Hawaii, that this appropriation be made a permanent increase in the base budget of the Hawaii Public Housing Authority for the state rent supplement program.

Therefore, your Committees have amended this measure by setting the appropriation amount of \$5 million.

As affirmed by the records of votes of the members of your Committees on Housing and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2952, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2952, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Housing: Ayes, 5. Noes, none. Excused, none.

Human Services: Ayes, 4. Noes, none. Excused, 1 (Ihara).

SCRep. 2532 (Joint) Housing and Human Services on S.B. No. 2951

The purpose and intent of this measure is to help alleviate homelessness in Hawaii by establishing the short-term rental assistance fund and the short-term rental assistance program.

Your Committees received testimony in support of this measure from the Hawaii Public Housing Authority and one individual. Your Committees received comments on this measure from the Department of Budget and Finance.

Your Committees find that Hawaii has a state rent supplement program that helps to prevent homelessness. Your Committees further find that in addition to the state rent supplement program, there are residents who only need rental assistance for a short period of time. This measure establishes the short-term rental assistance program and fund to aid those Hawaii residents who need rental assistance for a short period of time.

As affirmed by the records of votes of the members of your Committees on Housing and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2951 and recommend that it pass Second Reading and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chairs on behalf of the Committees.

Housing: Ayes, 5. Noes, none. Excused, none.

Human Services: Ayes, 4. Noes, none. Excused, 1 (Ihara).

SCRep. 2533 Human Services on S.B. No. 2001

The purpose and intent of this measure is to require members of the clergy to report child abuse and neglect to the Department of Human Services or to the police and specifies that the general rule of privilege under the Hawaii Rules of Evidence for confidential communications made to a member of the clergy does not apply to communications relating to child abuse or neglect.

Your Committee received testimony in support of this measure from the Department of Human Services, IMUAlliance, Hawaii Youth Services Network, LGBT Caucus of the Democratic Party of Hawaii, and five individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee has amended this measure by:

- (1) Inserting "communications to clergy" for conformity in section 350-5, Hawaii Revised Statutes, as suggested by the Department of Human Services; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2001, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2001, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Riviere, Fevella). Noes, none. Excused, none.

SCRep. 2534 Human Services on S.B. No. 2435

The purpose and intent of this measure is to require the Department of Human Services, when conducting an investigation regarding a child who is or may be subject to imminent harm, to provide the parent with a document listing the parent's rights as listed in the law, and the consequences of failing to cooperate at the time of the first face-to-face contact with the parent.

Your Committee received testimony in support of this measure from the Hawaii Family Advocacy Team and Pacific Alliance to Stop Slavery. Your Committee received comments on this measure from the Department of Human Services and Attorney General.

Your Committee finds that the Department of Human Services is required to assess the safety of children in all reports of abuse and neglect. Communication and partnership with the child's parent or guardian is critical in the assessing the child's safety, and determining if the child can safely remain in the family home. A child may face continued harm without the support and services the Department could provide to families to make the family home safe. Additionally, your Committee finds a parent's or guardian's refusal to communicate and work with Child Welfare Services may result in the removal of the child and increase the number of children placed in foster care.

Your Committee notes, in partnership with families and based on the assessment, the Department may ask the parent to jointly develop and sign an in-home safety plan to manage any safety concerns and maintain the child safely in the home. This practice is designed to understand the family's strengths and challenges and address issues in partnership with parents. In addition, your Committee further notes that the Department does not generally record interviews with children. Depending on the type and or severity of the allegations, some children may be interviewed at the Children's Justice Center where the interview may be recorded.

Your Committee has amended this measure, as suggested by the Attorney General, to correct the reference contained in the current law to conform to the amendments made in this measure and to preserve the confidentiality protections provided by law.

Your Committee also made technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2435, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2435, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

SCRep. 2535 (Joint) Human Services and Agriculture and Environment on S.B. No. 2473

The purpose and intent of this measure is to appropriate funds for the planning and design of a professional training facility for guide dogs and other professionally trained career dogs on a designated portion of the state animal quarantine facility in Halawa Valley on Oahu.

Your Committees received testimony in support of this measure from the Department of Human Services, Department of Agriculture, Guide Dogs of Hawaii, and nine individuals.

Your Committees find that professionally trained guide dogs, services, and assistive aids for Hawaii's blind and visually impaired community yields higher employment with less need for lifetime support services for youth and greater independence and mobility for adults and seniors, thus minimizing the need for long term home and nursing care as well as fewer burdens to family, friends, and the community.

Your Committees further find that only half of the twenty-nine-acre site of the state animal quarantine facility in lower Halawa valley has been slated for use by the Department of Public Safety as the location for the new Oahu Community Correctional Center. An environmental impact statement has already been prepared for the site, which allows the State to repurpose the remainder of the site for public benefit. This site is well-suited to be the location of a guide dog training facility to reduce the dependence upon the importation of professionally trained guide dogs from elsewhere.

As affirmed by the records of votes of the members of your Committees on Human Services and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2473 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2536 (Joint) Transportation and Commerce, Consumer Protection, and Health on S.B. No. 2233

The purpose and intent of this measure is to bring Hawaii law into conformance with federal law by permanently disqualifying from operating a commercial motor vehicle, individuals convicted of a felony involving a "severe form of trafficking in persons" as defined in federal law while operating a commercial motor vehicle.

Your Committees received testimony in support of this measure from the Department of Transportation and Hawaii Transportation Association.

Your Committees find that effective September 23, 2019, the Federal Motor Carrier Safety Administration amended 49 Code of Federal Regulations parts 383 and 384 to permanently disqualify from driving a commercial motor vehicle, individuals convicted of a felony involving a "severe form of trafficking in persons", as defined in 22 United States Code 7102(11) while operating a commercial motor vehicle. The amendments also mandate states to comply with the changes. Your Committees further find that the amendment sets a deadline of three years from the effective date of September 23, 2019 for states to come into substantial compliance with the Act as required by 49 United States Code 31311(a)(15) which reads, "The State shall disqualify an individual from operating a commercial motor vehicle for the same reasons and time periods for which the Secretary shall disqualify the individual under subsection (b)–(e), (i)(1)(A) and (i)(2) of section 31310." Your Committees further find that the Hawaii Revised Statutes would be clearer by adding the federal definition of "severe forms of trafficking in persons".

Your Committees have amended this measure by:

- (1) Adding a definition of "severe forms of trafficking in persons"; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2233, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2233, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 4. Noes, none. Excused, 1 (English).

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Ruderman, Wakai).

SCRep. 2537 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2630

The purpose and intent of this measure is to end punishing poverty by prohibiting the imposition of restrictions on a person's ability to obtain or renew a driver's license or to register, renew the registration of, or transfer or receive title to a motor vehicle, as a consequence of unpaid monetary obligations.

Your Committees received testimony in support of this measure from the Office of the Public Defender; Office of the Prosecuting Attorney, County of Kauai; Young Progressives Demanding Action; American Civil Liberties Union of Hawai'i; Parents and Children Together; Hawaii Children's Action Network Speaks!; and thirty-two individuals. Your Committees received comments on this measure from the Hawaii State Judiciary.

Your Committees find that existing law allows for the imposition of restrictions on an individual's ability to obtain or renew a driver's license or motor vehicle registration as a penalty for various unpaid monetary obligations that are civil and not criminal in nature. The most concerning reason for these punitive restrictions is the failure of an individual to pay within thirty days the fines and fees assessed in connection with non—parking related traffic tickets. Your Committees find that this practice of imposing driver's license or vehicle registration "stoppers" may also occur because of other unpaid civil obligations.

Your Committees further find that, according to a Washington Post investigation, more than seven million individuals nationwide have had their driver's licenses suspended for unpaid court or administrative debt. The investigation also found that Hawaii has a high percentage — nine percent — of adults who have had their licenses suspended for unpaid debt. Your Committees additionally find that the American Bar Association recently adopted guidelines on preventing fines and fees that penalize poverty. These guidelines instruct against driver's license suspensions and the imposition of fines that result in substantial and undue hardship. At least four states do not allow driver's licenses to be suspended or restricted for unpaid court debt.

Your Committees find that the inability to obtain or renew a driver's license prevents people who have not committed a crime from getting to work, picking up their children, keeping medical appointments, and ultimately from escaping debt. This measure will prohibit the imposition of restrictions on a person's ability to obtain or renew a driver's license or to register, renew the registration of, or transfer or receive title to a motor vehicle, because of unpaid monetary obligations. However, this Act shall not have any effect on driver's license suspensions related to excessive speeding, lack of motor vehicle insurance, or non-compliance with a child support order.

Your Committees note that through testimonies the Hawaii State Judiciary requested the measure's effective date be extended and that Section 10 be deleted. Your Committees request that the Judiciary Committee examines these issues further.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2630 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 4. Noes, none. Excused, 1 (English).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 5. Noes, none. Excused, none.

SCRep. 2538 Transportation on S.B. No. 2993

The purpose and intent of this measure is to:

- (1) Align Hawaii law with federal regulations; and
- (2) Improve and expedite the certification process for commercial driver's license holders who are treating diabetes with insulin by repealing obsolete wording in section 286-236(a), Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that an amendment to section 49 383.41(b), Code of Federal Regulations, removed the requirement for commercial driver's license holders who are treating diabetes mellitus with insulin to obtain a medical waiver in addition to their periodic medical examination. Your Committee additionally finds that rather than using a waiver, the medical examiner who examines the driver will confer with the driver's treating clinician, evaluate the driver's medical records and decide whether the driver's medical condition will have an adverse effect on the person's ability to drive safely. Additionally, your Committee finds that if the driver satisfies the medical requirements, a medical examiner's certificate with no indication of a waiver will be issued to the driver. However, if the driver does not meet the requirements, a certificate will not be issued. This measure will expedite the certification process for those commercial driver's license holders who are treating diabetes with insulin.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2993 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

SCRep. 2539 Transportation on S.B. No. 3173

The purpose and intent of this measure is to enhance current laws by increasing the minimum and potential maximum fine for violating various Hawaii loud muffler laws.

Your Committee received testimony in support of this measure from three individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that Hawaii residents have complained about the growing noise pollution and disturbance from loud mufflers on motor vehicles, primarily motorcycles. Your Committee further finds that the noise level adversely affects residents' sleep, particularly in the early morning hour or late at night. Your Committee additionally finds that the noise may have impacts on public health and safety, as well as peaceful enjoyment and quality of life. Moreover, your Committee finds that while current laws prohibit vehicle owners from installing mufflers that increase the noise of their vehicle, the penalties are minimal and are ineffective in deterring violators of the current muffler laws. In fact, violators are known to add the enhanced noise mufflers as soon as they have passed the county vehicle safety check. This measure will enhance current laws by increasing the minimum and potential maximum fine for violating sections 291-22, 291-24, and 291-24.5, Hawaii Revised Statutes, which prohibit the installation and sale of noisy mufflers.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3173 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

SCRep. 2540 Government Operations on S.B. No. 2375

The purpose and intent of this measure is to require state agencies to create plain language forms with clear instructions to facilitate the submission of data.

Your Committee received comments on this measure from the Department of Taxation and Department of Human Services.

Your Committee finds that neither guidelines for creating forms, nor the instructions for persons filling in forms are always clear despite the intent to use what is commonly referred to as "plain language".

Your Committee notes that certain complex amendments to forms may require hiring an expert, such as when translating forms into multiple languages. However, your Committee hopes that each agency has the internal ability to write in plain English, and therefore does not see the need to create additional positions for plain language consultants or coordinators, as suggested in one of the testimonies.

Your Committee has amended this measure by:

- (1) Amending the proposed subsections to allow the sample listing of items that is set forth on the form to also be provided in the accompanying instructions for the form;
- (2) Allowing for the instructions to be provided separate from the form, but available in the same manner as the form;
- (3) Adding a definition of “form”; and
- (4) Amending the effective date to permit sufficient time for the agencies to meet the requirements established by this measure.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2375, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2375, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2541 Government Operations on S.B. No. 2567

The purpose and intent of this measure is to require the Legislative Research Bureau to create a searchable electronic database of all reports that are mandated by law or by concurrent resolution. The database shall include submissions that are late or not submitted at all. The measure also requires the reporting entities to include certain information in their reports for purposes of this Act.

Your Committee received comments on this measure from the Legislative Reference Bureau.

Your Committee finds that the Legislative Reference Bureau tracks approximately three hundred sixty-one reports each year and provides much of the information required by this measure. Your Committee finds that creating a web-based electronic searchable database of all reports submitted to the Legislative Research Bureau would be far more effective in enabling legislators, the Executive branch, and the general public to readily access reported information and identify gaps in reporting.

Your Committee has amended this measure by:

- (1) Consolidating the reporting requirements to one time per year on a date no later than ten days after the convening of each legislative session;
- (2) Directing the Legislative Reference Bureau to create a searchable report database on their website, which provides a link to the report and certain required information required by Section 3 of this measure;
- (3) Requiring that any report that a government agency is required to submit to the legislature also be available digitally;
- (4) Adding an appropriation to the Legislative Reference Bureau in an unspecified amount for the creation of this database; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2567, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2567, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

SCRep. 2542 (Joint) Education and Human Services on S.B. No. 2085

The purpose and intent of this measure is to:

- (1) Appropriate funds to the Department of Education to provide public school students with behavior analysis services; and
- (2) Require the Department of Education to seek any necessary approvals from the Centers for Medicare and Medicaid Services to amend the state Medicaid plan to include applied behavior analysis services for eligible students who have been diagnosed with an autism spectrum disorder.

Your Committees received testimony in support of this measure from the State Public Charter School Commission, Hawaii State Teachers Association, Hawaii Psychological Association, Democratic Party of Hawai'i Education Caucus, and a private individual. Your Committees received testimony in opposition to this measure from seven private individuals. Your Committees received comments on this measure from the Department of Education, Department of Human Services, Hawaii Association of Behavior Analysts, Hawaii Disability Rights Center, and six private individuals.

Your Committees find that there is a shortage of licensed behavior analysts, which makes it difficult for the Department of Education to adequately serve the nearly 1,500 public school students who are currently diagnosed with autism disorders. Your Committees further find that the qualifications for behavioral analysis services are set forth in chapter 465D, Hawaii Revised Statutes.

Your Committees have amended this measure by:

- (1) Limiting eligible behavior analysis service providers to individuals permitted to perform such services pursuant to chapter 465D, Hawaii Revised Statutes;

- (2) Clarifying that the services will be available to public charter school students; and
- (3) Amending the effective date from July 1, 2020, to July 1, 2050.

As affirmed by the records of votes of the members of your Committees on Education and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2085, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2085, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Education: Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Kanuha).

Human Services: Ayes, 4. Noes, none. Excused, 1 (Ihara).

SCRep. 2543 (Majority) Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2519

The purpose and intent of this measure is to prohibit, with certain exceptions, the manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of detachable ammunition magazines with a capacity in excess of ten rounds, regardless of the type of firearm with which the magazine is compatible.

Your Committee received testimony in support of this measure from The Office of the Mayor of the County of Hawai'i, Church of the Crossroads, Everytown for Gun Safety, Hana Health, and thirty-two individuals. Your Committee received testimony in opposition to this measure from the National Rifle Association of America, Hawaii Firearm Coalition, KMConcepts, and three hundred forty-nine individuals.

Your Committee finds that Hawaii has some of the strongest gun safety laws in the nation, having received an A-minus rating from the Giffords Law Center to Prevent Gun Violence. The State is recognized as having one of the lowest gun related crimes in the nation. Despite this, gun related crimes are on the rise in the State. Your Committee believes that more needs to be done to improve gun safety laws and ensure the protection of residents and visitors by prohibiting the use of large-capacity magazines for firearms. Your Committee further finds that large-capacity magazines have been used in ten of the deadliest mass shootings that occurred in the past decade.

Your Committee recognizes the importance of recreational activities involving firearms, such as hunting and competitive shooting. Your Committee recognizes that this measure would potentially restrict those who currently legally possess magazines that would otherwise be banned under this measure. Your Committee believes it is important to provide protection for those who have legally acquired such magazines and have followed the laws accordingly to be able to obtain a firearm and the necessary ammunition.

Accordingly, your Committee has amended this measure by:

- (1) Specifying that the prohibition does not apply to detachable ammunition magazines with a capacity in excess of ten rounds that were legally in possession of an individual prior to the effective date of this measure;
- (2) Requiring every person in the State who was in possession of a detachable ammunition magazine with a capacity greater than ten rounds prior to the effective date of this measure to register the magazine with the appropriate county police department;
- (3) Prohibiting the sale, barter, trade, gift, transfer, or acquisition, except by means of inheritance, of a detachable ammunition magazine with a capacity greater than ten rounds that was in possession of an individual prior to the effective date of this measure and requiring the inheritor to update the registration with the appropriate county police department;
- (4) Changing the effective date of this measure to January 1, 2021; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2519, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2519, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3; Ayes with Reservations (Wakai). Noes, 1 (Fevella). Excused, 1 (Harimoto).

SCRep. 2544 (Majority) Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2635

The purpose and intent of this measure is to:

- (1) Require the licensing of sellers of ammunition and for the identification and proper permitting of purchasers or possessors of ammunition; and
- (2) Regulate ammunition in the same manner as firearms.

Your Committee received testimony in support of this measure from the Office of the Mayor of the County of Hawaii and two individuals. Your Committee received testimony in opposition to this measure from the National Rifle Association of America, Hawaii Firearms Coalition, KMConcepts, and two hundred eighty-eight individuals.

Your Committee finds that Hawaii has strong gun safety laws in place, leading to the State being having one of the lowest gun related crimes in the nation. Your Committee further finds that requiring firearms permits is one of the most effective ways of minimizing unlawful possession and use of firearms. However, your Committee notes that while firearms are regulated by state law, there are no laws that regulate ammunition, which plays an equal role in the dangers of firearms. Your Committee believes that requiring licensure for sellers of ammunition will improve gun safety laws in the State, ultimately increasing the safety of the State's residents and visitors alike. This measure will require regulations on ammunitions, as there are on firearms, to provide a safe environment for residents and visitors of the State.

Your Committee has amended this measure by:

- (1) Deleting language that would have prohibited any person from selling ammunition or shell casings for any firearm unless the purchaser first demonstrates that they are the registered owner of the firearm for which the ammunition or shell casings are to be purchased and all language relating to showing proof of firearm registration to purchase ammunition;
- (2) Requiring a purchaser of ammunition or shell casings to show, along with a valid government identification card, a valid permit to acquire firearms, a handgun safety training course affidavit, or a hunter education card;
- (3) Deleting language that authorized a registered owner to designate their spouse as an alternative on the gun registration only for the purposes of purchasing ammunition and language that required the spouse to have completed a background check and fingerprinting; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2635, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2635, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, 1 (Fevella). Excused, 1 (Harimoto).

SCRep. 2545 (Joint) Public Safety, Intergovernmental, and Military Affairs and Transportation on S.B. No. 3176

The purpose and intent of this measure is to provide that any authorization by a county director of finance for an electric method of motor vehicle registration shall extend to all types of motor vehicles.

Your Committees received testimony in support of this measure from the Hawaii Transportation Association; Matson; and Servco Pacific, Inc; Trucking Co., LTD.; and Hawaii Automobile Dealers' Association. Your Committees received comments on this measure from the Maui Chamber of Commerce.

Your Committees find that under existing law, only personal motor vehicles are authorized to electronically submit registration documents to the State and respective county agency. Even in this digital age, registration for all other types of motor vehicles still require the submission of paper documents. Your Committees find that the means and methods of accepting documents via electronic means are already in place and that the State and counties can easily accept electronic documents for all types of motor vehicles. This measure will save time and money for the State, counties, and various automobile related service companies by authorizing the acceptance of electronic documents for registration or renewal applications via electronic means.

Your Committees have amended this measure by authorizing electronic submission of documents for initial registration or registration renewal for intermodal equipment, in addition to all types of motor vehicles.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3176, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3176, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 5. Noes, none. Excused, none.

Transportation: Ayes, 4. Noes, none. Excused, 1 (English).

SCRep. 2546 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2437

The purpose and intent of this measure is to:

- (1) Repeal the ban on electric guns;
- (2) Establish a regulatory structure for the sale and transfer of electric guns by a licensed person;
- (3) Authorize the use of electric guns under certain circumstances;
- (4) Restrict the use, storage, transfer, and disposal of electric guns;
- (5) Prohibit certain individuals from possessing and using electric guns; and
- (6) Prohibit the use of electric guns in the commission of crimes.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Hawai'i Police Department, Stolen Stuff Hawaii, and seventeen individuals. Your Committee received testimony in opposition to this measure from the National Rifle Association, Hawaii Firearms Coalition, and one hundred six individuals.

Your Committee finds that the constitutionality of Hawaii's electric gun ban has been drawn into question by the United States Supreme Court decision in Caetano v. Massachusetts, 136 S. Ct. 1027 (2016). Your Committee further finds that a pending lawsuit in the United States District Court for the District of Hawaii, Roberts v. Ballard, 18-00125 HG-KSC, is seeking a declaratory judgment and injunction to invalidate Hawaii's electric gun ban. If Hawaii's electric gun ban is invalidated by the courts, there will be no regulations on the purchase, possession, and use of electric guns by the public. This measure will repeal Hawaii's ban on electric guns and establish regulations that restrict the use of electric guns to self-defense and requires sellers to be licensed.

Your Committee has amended this measure by:

- (1) Inserting language recommended by the Department of the Attorney General, which:
 - (A) Inserts a purpose section;
 - (B) Inserts definitions for “electric gun” and “electric projectile gun”;
 - (C) Inserts language that subjects electric projectile guns to a permitting and registration process similar to firearms;
 - (D) Clarifies that prior to completing a sale or other transfer of an electric gun that does not require the purchaser to obtain a permit, the licensee shall require a briefing on safety precautions;
 - (E) Requires a licensee to keep a copy of a permit for the sale of an electric projectile gun and a copy of the registration for an electric projectile gun for the sale of a cartridge; and
 - (F) Provides that the information health care provider or public health authority discloses to the appropriate county chief of police shall only be used for the purpose of evaluating the individual’s fitness to acquire or own an electric gun; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2437, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2437, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 2547 (Joint) Water and Land and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2448

The purpose and intent of this measure is to require any public facility or entity that receives state or county funding and discovers a beehive or swarm on its property to contract with a beekeeper for removal and only as a last resort destroy the beehive.

Your Committees received testimony in support of this measure from one individual. Your Committees received comments on this measure from the Department of Agriculture and Hawaii Pest Control Association.

Your Committees find that honeybees are an important part of Hawaii’s agriculture and economy, for pollination services, honey production, and queen bee exports. Therefore, safe removal and repatriation of bee swarms and established honeybee colonies where appropriate is ideal.

Your Committees further find that bee stings can severely impact human health via allergic reactions to their venom. Last year, several people in Hawaii were stung, one severely, during an encounter with a wild honeybee colony at Iolani Palace. One of the colonies infesting the palace was removed. Although the beekeeper followed best practices, the straggler bees became agitated and necessitated the prolonged shutdown of Iolani Palace due to safety concerns. This measure will require the State to contract a beekeeper for the removal of a beehive or swarm to ensure that the removal of a beehive or swarm is conducted by a professional while ensuring that the destruction of any beehive only occurs as a last resort.

Your Committees have amended this measure by:

- (1) Specifying that a licensed pest control operator as defined by section 460J-1, Hawaii Revised Statutes, may also be contracted to remove a beehive or swarm;
- (2) Inserting an effective date of December 31, 2033, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2448, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2448, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Water and Land: Ayes, 4. Noes, none. Excused, 1 (Fevella).
Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 2548 (Joint) Water and Land and Housing on S.B. No. 2642

The purpose and intent of this measure is to:

- (1) Authorize the Land Use Commission to govern housing density increases; and
- (2) Authorize homeowners located in a block to vote to increase the housing density for their respective block. Upon receiving an affirmative vote of two-thirds of the homeowners in a block, requires the Land Use Commission to increase the housing density for the block.

Your Committees received testimony in opposition to this measure from the City and County of Honolulu Department of Planning and Permitting. Your Committees received comments on this measure from the Office of Planning.

Your Committees find that not only is there a lack of available, affordable housing in Hawaii, but there is also a limited amount of space that housing can be developed on the islands. Your Committees further find that enabling greater housing density in rural districts is in the best interests of the State and the State’s housing crisis.

Your Committees have amended this measure by:

- (1) Inserting an effective date of December 31, 2033, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2642, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2642, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

Housing: Ayes, 5. Noes, none. Excused, none.

SCRep. 2549 (Joint) Water and Land and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2759

The purpose and intent of this measure is to:

- (1) Require government entities that engage in search and rescue operations to seek reimbursement when the rescued person required search and rescue efforts because that person acted in disregard of that person's safety, including intentionally disregarding a warning or notice; and
- (2) Increase the penalty for unlawfully entering or remaining on a trail that has been closed to the public.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and two individuals. Your Committees received comments on this measure from one member of the Maui County Council.

Your Committees find that unlawfully entering trails that have been closed to the public puts those entering the trails at significant danger of injury, risks damage to native habitats and other natural resources, and potentially requires difficult and expensive rescue operations to retrieve persons who are injured or become lost. Your Committees further find that the costs associated with the search and rescue of individuals who willfully disregard their own safety by ignoring posted warning signs are considerable. This measure will discourage individuals from illegally entering trails by increasing the penalties and enforcement options for illegal trail access and requiring government entities that engage in search and rescue of such individuals to seek reimbursement.

Your Committees have amended this measure by:

- (1) Incorporating proposed changes from the Department of Land and Natural Resources to remove amendments to section 184-5, Hawaii Revised Statutes; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2759, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2759, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 2550 (Joint) Water and Land and Energy, Economic Development, and Tourism on S.B. No. 2780

The purpose and intent of this measure is to:

- (1) Prohibit offshore drilling for oil or natural gas in state marine waters; and
- (2) Prohibit issuance of permits for or in connection with the development or operation of any facility or infrastructure associated with offshore drilling for oil or natural gas in state waters.

Your Committees received testimony in support of this measure from the Hawaii State Energy Office, Surfrider Oahu, 350 Hawaii, Climate Protectors Coalition, and twelve individuals.

Your Committees find that the federal government through the executive authority of the President has proposed a program to vastly expand offshore drilling for oil or natural gas. This program includes opening up Pacific ocean waters near Alaska and the western coast of the continental United States to potential offshore oil or natural gas drilling.

Your Committees further find that although Hawaii has no proven petroleum or natural gas reserves or production, the State does produce petroleum products and crude oil is refined within the State. This measure affirms the State's dedication to the reduction of fossil fuel use by prohibiting offshore drilling and the issuance of permits in connection with facilities associated with offshore drilling.

As affirmed by the records of votes of the members of your Committees on Water and Land and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2780 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

SCRep. 2551 (Joint) Water and Land and Energy, Economic Development, and Tourism on S.B. No. 2805

The purpose and intent of this measure is to:

- (1) Require the Office of Planning to prepare a comprehensive renewable energy siting plan; and
- (2) Require reporting to the Legislature.

Your Committees received testimony in support of this measure from the Hawaii State Energy Office, 350 Hawaii, and twenty-nine individuals. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that Hawaii's clean energy initiative is admirable and worthy of our best efforts to achieve one hundred percent renewable energy by 2045. Your Committees also find that fulfilling these ambitious goals will necessitate intensive land usage across the State, increasing the potential for public controversy.

Your Committees further find that careful planning and public input will help minimize disruption of future renewable energy projects. Without such a plan, future renewable energy projects will likely face fierce opposition and the clean energy initiative goal itself could be jeopardized. This measure will create a renewable energy siting plan that identifies appropriate lands needed to achieve each benchmark of the Hawaii clean energy initiative.

Your Committees note that the intent of the Committee chairs and author of the bill is to ensure that there is robust public participation especially in light of the very real concerns that the community does have especially in some previously affected areas as noted by the testimonies.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2805, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2805, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

SCRep. 2552 (Joint) Water and Land and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2828

The purpose and intent of this measure is to:

- (1) Specify that fire safety use is a beneficial use of water; and
- (2) Require the Department of Land and Natural Resources to work with the county governments, Hawaii Emergency Management Agency, and owners to use reservoir water for fire safety.

Your Committees received testimony in support of this measure from the Department of Fire and Public Safety; Maui County Farm Bureau; Mahi Pono, LLC; and one individual. Your Committees received testimony in opposition to this measure from the Office of Hawaiian Affairs and Earthjustice. Your Committees received comments on this measure from the Department of Land and Natural Resources and Department of Defense.

Your Committees find that it is important that there be water kept available in the former plantation reservoirs so that there is ready and efficient access to fresh water for the purpose of fire control. Helicopters can retrieve the fresh water in reservoirs quicker than going to the ocean with less disruption to the public due to the closure of major thoroughfares. Also, using ocean salt water to put out fires results in damage to flora and fauna.

Your Committees further find that there are a number of key reservoirs that are currently not filled with water. Examples of those reservoirs include Mahinahina reservoir, Kahoma reservoir, Makila reservoir, Olowalu reservoir, and Ukumehame reservoir. This measure will help ensure that key reservoirs have adequate water in them for the public's health, safety, and welfare by having fresh water available to be used for fire safety.

As affirmed by the records of votes of the members of your Committees on Water and Land and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2828 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 4; Ayes with Reservations (Riviere). Noes, none. Excused, 1 (Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 2553 Government Operations on S.B. No. 2322

The purpose and intent of this measure is to prohibit the Department of Budget and Finance from issuing a Certificate of Participation with a principal amount exceeding \$10,000,000.

Your Committee received testimony in support of this measure from Protect Our Ala Wai Watersheds and four individuals. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that the authority and capacity to obtain funds for state and city projects should be made under the public scrutiny that is available through the legislative process. According to testimony received by your Committee, a ten million-dollar

limit on Certificates of Participation will allow the Department of Budget and Finance access to enough funds for unanticipated contingencies.

Your Committee has amended this measure by:

- (1) Removing “the department may” and conforming language on page 1, lines 3-5; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2322, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2322, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Inouye).

SCRep. 2554 Government Operations on S.B. No. 2492

The purpose and intent of this measure is to require a legislative appropriation of funds before a department is authorized to enter into financing agreements.

Your Committee received testimony in support of this measure from Protect Our Ala Wai Watersheds, EMCC Hawaii, and thirteen individuals. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that a certain amount of flexibility is needed for departments to fund projects within their jurisdiction such as in the case of standard purchases of real or personal property. Your Committee further finds that a state agency’s need for agility in entering financing agreements should be balanced against the importance of legislative oversight by way of appropriating funds. To balance these interests, your Committee finds that projects exceeding \$5,000,000 in cost should require the appropriation of funds prior to the state agency entering into a finance agreement for the project and that this condition should not be circumvented by seeking incremental financing for the same project or parceling.

Your Committee has amended this measure by:

- (1) Permitting state agencies to enter into financing agreements for projects with a cumulative total cost of \$5,000,000 or less without first securing a legislative appropriation;
- (2) Clarifying that the \$5,000,000 cap includes any incremental costs related to the same project; and
- (3) Adding a provision prohibiting the parceling of such projects for the purpose of circumventing the cap.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2492, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2492, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2555 Commerce, Consumer Protection, and Health on S.B. No. 2584

The purpose and intent of this measure is to:

- (1) Establish minimum requirements for dental assistants; and
- (2) Clarify the allowable and prohibited practices by dental assistants.

Your Committee received testimony in support of this measure from the Hawaii Dental Hygienists’ Association and a petition in support signed by ninety individuals. Your Committee received testimony in opposition to this measure from the Hawaii Dental Association and four individuals. Your Committee received comments on this measure from the Board of Dentistry.

Your Committee finds that currently, dental assistants are unregulated by the State. Dental assistants are identified under existing state law and administrative rules as unlicensed auxiliary personnel who perform supportive dental procedures under the direct supervision, direction, evaluation, and responsibility of a licensed dentist. However, training for dental assistants is not standardized and is typically limited to on-the-job training. As a result, training for dental assistants varies widely from office to office and dentist to dentist.

Your Committee further finds that a 2018 sunrise analysis performed by the auditor pursuant to section 26H-6 of the Hawaii Revised Statutes, determined that several basic tasks routinely performed by dental assistants can and do pose a reasonable risk of injury to patients. Accordingly, this measure establishes allowable and prohibited duties for dental assistants and requires standardized coursework in key areas to promote public health and safety.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2584, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2584, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2556 Commerce, Consumer Protection, and Health on S.B. No. 2646

The purpose and intent of this measure is to:

- (1) Prohibit landlords from recovering possession of a dwelling unit from tenants if habitability of the premises is significantly impaired;
- (2) Set a tenant's liability for rent if habitability of the premises is significantly impaired; and
- (3) Provide remedies for retaliatory evictions.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Pono Hawai'i Initiative, Chinatown Gateway Plaza Tenant Association, Hawaii Appleseed Center for Law and Economic Justice, Young Progressives Demanding Action, and one individual. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS.

Your Committee finds that the warranty of habitability is a principle based on contract law, wherein the tenant is responsible for paying rent while the landlord guarantees in return that the premises are habitable and in compliance with health, safety, and building codes. The Hawaii Supreme Court has recognized the warranty of habitability, but it has not been codified in statute, meaning it is largely unenforced.

Your Committee further finds that existing state law allows a tenant to deduct up to \$500 from the next month's rent for the cost of repairs if the landlord does not respond to the tenant's written repair request within twelve business days. However, costs to repair conditions that materially affect health and safety can exceed \$500, leaving the tenant with limited recourse. Hawaii renters already face one of the least affordable rental markets in the nation and eviction directly fuels homelessness, another epidemic facing the State. Accordingly, this measure codifies the warranty of habitability and sets minimum damages and establishes remedies for tenants who have suffered retaliatory evictions for reporting uninhabitable conditions. This measure promotes incentivizing landlords to keep their rental unit in a safe and sanitary condition and protects landlord-tenant equity in Hawaii.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2646 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2557 Commerce, Consumer Protection, and Health on S.B. No. 2244

The purpose and intent of this measure is to:

- (1) Clarify the meaning of "program or activity receiving state financial assistance"; and
- (2) Exclude cases within the scope of the Individuals with Disabilities Education Act from the jurisdiction of the Hawaii Civil Rights Commission.

Your Committee received testimony in support of this measure from the Disability and Communication Access Board, Hawai'i Civil Rights Commission, Hawaii Disability Rights Center, and one individual.

Your Committee finds that when enacted, section 368-1.5, Hawaii Revised Statutes, was intended to provide a state remedy for disability discrimination in addition to the federal remedies available under section 504 of the Rehabilitation Act, thereby providing an alternative state remedy in situations where federal remedies were also available. The intent was to provide those with disabilities non-discriminatory access to state financially assisted programs and activities, regardless of whether that program or activity also received federal financial assistance.

The Hawaii Civil Rights Commission has enforcement jurisdiction over Hawaii laws prohibiting discrimination in employment, housing, public accommodations, and access to state financially assisted programs and activities on the basis of disability. However, the Hawaii Supreme Court in *Hawaii Technology Academy and the Department of Education v. L.E. and Hawaii Civil Rights Commission*, 141 Hawaii 147, 407 P.3d 103 (2017), held that the Legislature did not intend the Hawaii Civil Rights Commission to have jurisdiction over disability discrimination claims under section 368-1.5, Hawaii Revised Statutes, if protections under section 504 of the Rehabilitation Act were also applicable.

This decision rendered section 368-1.5, Hawaii Revised Statutes, superfluous as nearly all state departments receive federal funds and eliminated an avenue of redress for Hawaii residents who believed they had been discriminated against on the basis of disability.

Your Committee further finds that this measure clarifies the original intent of the Legislature to give the Hawaii Civil Rights Commission jurisdiction over state funded program-related disability discrimination claims so that Hawaii residents may have a state remedy regardless of whether they may also be entitled to remedies under federal law.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2244 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Wakai).

SCRep. 2558 Commerce, Consumer Protection, and Health on S.B. No. 2636

The purpose and intent of this measure is to:

- (1) Require publicly held domestic and foreign corporations to include certain numbers of females among their boards of directors; and
- (2) Authorize administrative fines for noncompliance.

Your Committee received testimony in support of this measure from Planned Parenthood Votes Northwest and Hawaii, American Association of University Women of Hawaii, Breastfeeding Hawaii, and three individuals.

Your Committee received testimony in opposition to this measure from the Department of Commerce and Consumer Affairs and one individual.

Your Committee finds that numerous independent studies have concluded that publicly held corporations perform better when women serve on their boards of directors. Economically thriving European countries, such as Germany, France, Norway, and the Netherlands, have addressed the lack of gender diversity on corporate boards by instituting quotas mandating that thirty to forty percent of seats be held by female directors. Unfortunately, studies predict that it will take forty to fifty years to achieve gender parity if proactive measures are not taken. Therefore, necessitating the inclusion of more females on boards of directors of publicly held corporations is essential to boosting the State's economy, improving opportunities for women in the workplace, and protecting Hawaii taxpayers, shareholders, and retirees.

Your Committee further finds that Goldman Sachs has recently implemented a new rule to push for diversity, particularly related to women, as it will not take companies public unless they have at least one "diverse" board member.

Your Committee notes that the Legislature is confident that the Business Registration Division of the Department of Commerce and Consumer Affairs can successfully implement the requirements of this measure in its duties and responsibilities in light of the evidence cited in the measure.

Your Committee has amended this measure by:

- (1) Inserting language that expands the responsibilities of the Department of Commerce and Consumer Affairs beyond ministerial under section 414-16(d), Hawaii Revised Statutes, for the purposes of publishing various reports on its website documenting the number of corporations in compliance with this measure's provisions and imposing administrative fines; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2636, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2636, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Wakai).

SCRep. 2559 Judiciary on S.B. No. 737

The purpose and intent of this measure is to require the Judiciary to establish a five-year pilot program to allow defendants in criminal cases and their victims to participate in restorative justice, under certain circumstances.

Your Committee received testimony in support of this measure from the Office of the Public Defender, New Mexico Network for Nonviolent Communication, and twenty-three individuals. Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, The Sex Abuse Treatment Center, and one individual. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that research shows that restorative justice interventions are more effective at reducing repeat crime and reducing recidivism than existing mainstream justice systems. Restorative justice is a voluntary program that addresses the physical and emotional needs of both victims and offenders, including the need to repair relationships and build positive connections after wrongdoing. Studies indicate that the experience of restorative justice where both parties to a crime are able to directly communicate reduces the frequency of reconviction by an average of twenty-seven percent.

Your Committee further finds that restorative justice programs vary widely throughout the nation, and the definition of restorative justice may also vary between communities. Your Committee therefore finds that experts in restorative justice should be convened to build upon existing restorative justice programs and make recommendations as to how restorative justice can be expanded in the State.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting language to establish a restorative justice task force within the Judiciary to submit a report to the Legislature of its recommendations and findings prior to the convening of the Regular Session of 2021; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 737, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 737, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2560 Judiciary on S.B. No. 2006

The purpose and intent of this measure is to establish ranked choice voting for special federal elections and special elections of vacant county council seats.

Your Committee received testimony in support of this measure from Common Cause Hawaii, Americans for Democratic Action, Libertarian Party of Hawaii, and one individual. Your Committee received testimony in opposition to this measure from three individuals. Your Committee received comments on this measure from the League of Women Voters

Your Committee finds that special elections for federal and county council offices often involve numerous candidates and can result in situations in which a candidate wins with a plurality of votes that falls well short of a majority. In ranked choice voting, a voter ranks candidates from first to least choice. First choice votes are counted to determine what candidate receives the most votes. If a candidate receives a majority of votes, they win. If no candidate receives a majority, the candidate with the fewest first-choice rankings is eliminated. If a voter's first choice is eliminated, the voter's vote for their next ranked choice is counted. This repeats until one candidate reaches a majority and wins. Your Committee finds that ranked choice voting ensures that elections in which a large number of candidates appear on the ballot can be won with clear majorities without the need for costly and inefficient runoff elections.

Your Committee further finds that adoption of any significant change to how a voter casts their ballot must be accompanied by a comprehensive program of voter education.

Your Committee has amended this measure by:

- (1) Inserting language that requires the Office of Elections to conduct voter education on ranked choice voting prior to any election where ranked choice voting will be used and allows the Office of Elections to work with community partners and non-profit entities to enhance educational outreach; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2006, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2006, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Kim). Noes, none. Excused, 1 (Fevella).

SCRep. 2561 Judiciary on S.B. No. 2008

The purpose and intent of this measure is to make an appropriation to the Judiciary to purchase civil legal services for low and moderate income persons.

Your Committee received testimony in support of this measure from the Judiciary, Department of Human Services, Legal Aid Society of Hawai'i, Volunteer Legal Services Hawai'i, Hawai'i Access to Justice Commission, and two individuals.

Your Committee finds that legal services are often prohibitively expensive for low and moderate income persons. Your Committee further finds that a number of non-profit and volunteer organizations exist to provide quality legal services to persons who require services but lack the resources to pay for them. Your Committee additionally finds that, although these organizations generally function on a volunteer basis, they still require funding for operating costs and other expenses. Your Committee notes that similar funding is provided in S.B. No. 2116, Regular Session of 2020, which previously passed out of your Committee. This measure will support these organizations by providing legal services to those in need.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2008 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2562 Judiciary on S.B. No. 2186

The purpose and intent of this measure is to propose amendments to article V, section 5, of the Constitution of the State of Hawaii to allow legislation regarding the process by which executive reprieves, commutations, and pardons are submitted to and considered by the Governor.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu. Your Committee received testimony in opposition to this measure from the Hawaii Paroling Authority.

Your Committee finds that the Hawaii State Constitution provides that the governor may grant reprieves, commutations and pardons, after conviction, for all offenses, subject to regulation by law as to the manner of applying for the same. Under existing law, there is no requirement that prosecutors or crime victims receive advance notice of applications for pardons or commutations. Your Committee further finds that it is unclear whether a constitutional amendment is needed to address concerns of stakeholders, or if legislation is sufficient. Your Committee therefore believes further discussion of this matter is necessary.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2186 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2563 Judiciary on S.B. No. 2179

The purpose and intent of this measure is to appropriate funds to the Department of the Prosecuting Attorney of the City and County of Honolulu for the career criminal prosecution unit.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and Office of the Prosecuting Attorney of the County of Hawai'i.

Your Committee finds that a disproportionate number of serious crimes against the public are committed by a relatively small number of multiple and repeat-felony offenders, commonly known as "career criminals". Your Committee further finds that by their nature, career criminal prosecution cases are often labor intensive and require experienced and well-trained deputy prosecutors. This measure appropriates funds to staff the career criminal prosecution unit so that the prosecution of career criminals can be more effectively pursued.

Your Committee has amended this measure by inserting an appropriation amount of \$350,000 for FY 2020-2021 for a grant-in-aid to the Department of the Prosecuting Attorney of the City and County of Honolulu for the career criminal prosecution unit.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2179, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2179, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2564 Judiciary on S.B. No. 2619

The purpose and intent of this measure is to appropriate funds to the Office of the Prosecuting Attorney of the County of Hawai'i for the career criminal prosecution unit.

Your Committee received testimony in support of this measure from the Office of the Mayor of the County of Hawai'i, Office of the Prosecuting Attorney of the County of Hawai'i, and Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that a disproportionate number of serious crimes against the public are committed by a relatively small number of multiple and repeat-felony offenders, commonly known as "career criminals". Your Committee further finds that by their nature, career criminal prosecution cases are often labor intensive and require experienced and well-trained deputy prosecutors. This measure appropriates funds to staff the career criminal prosecution unit so that the prosecution of career criminals can be more effectively pursued.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2619 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2565 Judiciary on S.B. No. 2829

The purpose and intent of this measure is to make an appropriation to the Judiciary to contract with nonprofit organizations to provide legal assistance and legal counsel to immigrants in determining legal status and citizenship, provide diversion to existing services, and otherwise provide counsel for existing rights.

Your Committee received testimony in support of this measure from the Judiciary, Department of Human Services, Filipina Advocacy Network, Filipinos for Affirmative Action, Americans for Democratic Action, The Legal Clinic, and seven individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that immigrants often require legal assistance to continue their legal residence, gain employment or permanent housing, obtain fundamental needs, and otherwise uphold their rights. Hawaii has always embraced a welcoming attitude for people of all backgrounds, nationalities, and ethnicities. According to the 2017 American Immigration Council Fact Sheet, nearly eighteen percent of Hawaii residents are immigrants, while more than one in seven residents is a native-born United States citizen with at least one immigrant parent. Immigrants are an integral part of Hawaii's diverse, multicultural community and make extensive contributions to the State. Your Committee finds that funding is needed to provide individuals and families living in Hawaii with the legal assistance needed to remove barriers created by their immigration status.

Your Committee has amended this measure by inserting an appropriation amount of \$150,000 for FY 2020-2021 to the Judiciary to contract with nonprofit organizations to provide legal assistance and legal counsel to immigrants in determining legal status and citizenship, provide diversion to existing services, and otherwise provide counsel for existing rights.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2829, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2829, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2566 Judiciary on S.B. No. 4

The purpose and intent of this measure is to propose a constitutional amendment to lower the qualifying age of voters for any state or local election to sixteen years of age.

Your Committee received testimony in support of this measure from Common Cause Hawaii; Community Alliance on Prisons; Association of Hawaiian Civic Clubs; Moku o Manokalanipō, Kaua'i Council of the Association of Hawaiian Civic Clubs; Moku o Keawe'apana, Hawai'i Council of the Association of Hawaiian Civic Clubs; Ke One O Kākuhihewa, O'ahu Council of the Association of Hawaiian Civic Clubs; Prince Kūhiō Hawaiian Civic Club; and seventeen individuals. Your Committee received testimony in

opposition to this measure from two individuals. Your Committee received comments on this measure from the League of Women Voters.

Your Committee finds that only 52.7 percent of registered voters, and only 32.6 percent of voters aged eighteen to twenty-nine, cast ballots in Hawai'i during the 2018 general election. Voting is a habit that can be established with a voter's first election. Evidence from jurisdictions that have lowered the voting age supports arguments that the age of sixteen is a better time to start the habit of voting than eighteen. Voting in one election can increase the probability that the person will vote in the next election by over fifty percent.

Your Committee further finds that early voting experiences are an important determinant of future voting behavior. Sixteen and seventeen-year-olds work and pay taxes, drive, and in some cases may be married, have children, or even be tried in adult courts. Your Committee further finds that extending voting rights to Hawai'i residents aged sixteen and seventeen, coupled with robust civic education at high school levels, will likely increase the civic engagement of young people and help instill a culture of voting leading to higher voter turnout among all demographics in the State.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 4 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Gabbard, Fevella). Noes, none. Excused, 1 (Kim).

SCRep. 2567 Judiciary on S.B. No. 2361

The purpose and intent of this measure is to repeal criminal prohibitions and penalties pertaining to marijuana.

Your Committee received testimony in support of this measure from the Office of the Public Defender, IMU Alliance, Libertarian Party of Hawaii, Drug Policy Forum of Hawai'i, and three individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Department of Transportation, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Department of the Prosecuting Attorney of the County of Maui, and one individual.

Your Committee finds that notwithstanding the prospect of federal prosecution, several states, including Hawai'i, have enacted medical marijuana laws. As Hawai'i expands its medical marijuana program through the use of highly regulated and monitored dispensaries, more patients are anticipated to consider medical marijuana as a viable treatment, knowing that the medicine will be regulated and tested. In addition to medicinal marijuana laws, some states have legalized or decriminalized marijuana. Your Committee finds that the decriminalization of marijuana for personal or recreational use is a natural, logical, and reasonable outgrowth of the current science of marijuana and attitude toward marijuana; however, your Committee finds that this measure takes the matter a step further by fully legalizing the use, possession, and distribution of marijuana without any regulatory scheme.

Your Committee therefore has amended this measure by:

- (1) Inserting language to classify marijuana as a schedule V drug, rather than removing it from the Uniform Controlled Substances Act;
- (2) Increasing the amount possessed in order to be a violation for promoting a detrimental drug in the third degree from three grams to ten grams;
- (3) Deleting language that would have repealed all criminal prohibitions and penalties pertaining to marijuana;
- (4) Inserting an effective date of August 26, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2361, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2361, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2568 Commerce, Consumer Protection, and Health on S.B. No. 2873

The purpose and intent of this measure is to protect vulnerable adults from financial exploitation in relation to securities.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Department of Human Services, Securities Industry and Financial Markets Association, NAIFA Hawaii, and Securities Industry Association of Hawaii. Your Committee received comments on this measure from the Executive Office on Aging.

Your Committee finds that financial exploitation has been described as the fastest growing form of elder abuse. Additionally, financial exploitation is often unreported because the perpetrator is someone the victim trusts; or the victim is ashamed or embarrassed, reliant on the perpetrator for care or support, fearful of retaliation, or unaware of the abuse. This measure is based on the North American Securities Administrators Association's Model Act to Protect Vulnerable Adults from Financial Exploitation, which has been enacted or adopted in over twenty-four other states. This measure more closely aligns the interests and responsibilities of securities professionals, regulators, and law enforcement with regard to the reporting and prevention of financial exploitation of the elderly and vulnerable adults.

Your Committee has amended this measure by:

- (1) Extending the provisions of the measure to elders in addition to vulnerable adults and inserting a definition for “elder” to mean a person sixty years of age or older;
- (2) Clarifying the definition of “vulnerable adult” by removing the reference to “a person sixty-two years of age or older”;
- (3) Clarifying that a broker-dealer or investment adviser may delay a disbursement or other transaction under certain circumstances;
- (4) Clarifying the time frame for certain requirements to begin on the date on which the broker-dealer or investment adviser first delayed the disbursement of funds or other transaction;
- (5) Requiring the broker-dealer or investment adviser to continue its internal review of the suspected or attempted financial exploitation of the elder or vulnerable adult, as necessary, and provide status updates to the Commissioner of Securities upon request;
- (6) Inserting language to allow the Commissioner of Securities to extend delay of a disbursement or other transaction;
- (7) Clarifying that a qualified person shall be immune from any administrative or civil liability that may arise from a delay in disbursement or other transaction under certain circumstances; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2873, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2873, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 7. Noes, none. Excused, none.

SCRep. 2569 Commerce, Consumer Protection, and Health on S.B. No. 2515

The purpose and intent of this measure is to establish the criminal offense of trespassing on critical electrical infrastructure.

Your Committee received testimony in support of this measure from the Department of the Attorney General and Hawaiian Electric Company, Inc.

Your Committee finds that Hawaii residents, businesses, and others rely greatly on the resilience of the electric grid and the delivery of safe, clean, and reliable electricity. Protecting critical electric infrastructure from theft and vandalism also helps to protect the public and electric utility employees from the serious dangers associated with compromised electrical infrastructure. Outages caused by trespassers can last for days, even months, and can result in immeasurable costs to the State’s residents, business, and military partners.

Your Committee heard the concerns raised during the public hearing on this measure that the recommendations of the Department of the Attorney General, as outlined in its testimony, may be overly broad. Additionally, concerns were raised that the definition of “critical electric infrastructure” is not limited to the actual operating or functioning parts of an electrical power plant or power generating facility, thereby possibly restricting a person’s right to peacefully assemble or protest at or near parts of the power plant or power generating facility that are not responsible for the actual generation or transmission of electricity. Your Committee finds that these issues and concerns merit further consideration and requests that your Committee on Judiciary consider the amendments recommended by the Department of the Attorney General and weigh them against the public’s right to peacefully assemble.

Your Committee has amended this measure by:

- (1) Limiting the definition of “critical electric infrastructure” to operational or functional areas;
- (2) Clarifying “critical electric infrastructure” does not include support offices; and
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2515, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2515, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 7. Noes, none. Excused, none.

SCRep. 2570 Commerce, Consumer Protection, and Health on S.B. No. 2231

The purpose and intent of this measure is to:

- (1) Establish the offense of unlawful shipment of e-liquid products;
- (2) Include e-liquid and electronic smoking devices containing e-liquid within the definition of “tobacco products”, as used in the cigarette tax and tobacco tax law;
- (3) Fund health education and prevention programs that provide information about the risks and dangers of the use of electronic smoking devices for youth; and
- (4) Repeal various statutory provisions relating to electronic smoking devices.

Your Committee received testimony in support of this measure from the Department of Health; Department of Taxation; American Academy of Pediatrics, Hawaii Chapter; American Heart Association; American Cancer Society Cancer Action Network; Hawai‘i Public Health Institute; Hui No Ke Ola Pono; Hawai‘i Primary Care Association; Hawaii Youth Services Network; The Friends of

Kamalani and Lydgate Park; Hawaii State Teachers Association; Hawai'i Pacific Health; We Are One, Inc.; Kapi'olani Smokefree Families; and forty-two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Smokers Alliance; Logic Technology Development, LLC; VOLCANO Fine Electronic Cigarettes; and forty-one individuals. Your Committee received comments on this measure from the Department of the Attorney General and one individual.

Your Committee finds that there is a serious nationwide concern over the use of electronic smoking devices because of the number of severe lung injuries being reported nationally. Specifically, there are more than two thousand cases of severe lung injury associated with electronic cigarette use and over forty deaths nationwide. Hawaii has had four reported cases of severe lung injury, with potentially more on the horizon. Of particular concern is the growing percentages of youth and young adults who are using electronic smoking devices.

Your Committee further finds that the rapid growth of the electronic smoking device industry, including retail businesses selling electronic smoking devices or e-liquids, necessitates further regulation to protect consumers, such as requiring retailers of e-liquids to obtain retail tobacco permits and taxing e-liquids and electronic smoking devices in the same manner as other tobacco products.

Your Committee has amended this measure by:

- (1) Clarifying the definition of "electronic smoking device";
- (2) Inserting an effective date of September 1, 2020; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2231, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2231, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Ruderman, Thielen).

SCRep. 2571 Transportation on S.B. No. 2103

The purpose and intent of this measure is to promote recognition of the Polynesian Voyaging Society by authorizing the issuance of special number license plates promoting the Polynesian Voyaging Society to be made available for electric vehicles.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office; Elemental Excelsior, Inc.; Polynesian Voyaging Society; Big Island Electric Vehicle Association; The Spoehr Foundation; Hawaii Emergency Physicians Associated, Inc.; Hokulea; Forbidden Valley Farms, LLC; Women Organizing for Change in Agriculture and Natural Resource Management; and ninety-five individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that specialty license plates can help promote recognition of a cause of public interest while also providing an opportunity for fundraising. Obtaining a specialty license plate requires payment of a fee, part of which is paid to the cause or group that the specialty license plate represents. This measure will allow electric vehicle owners to support the Polynesian Voyaging Society by purchasing a specialty license plate commemorating the Hōkūle'a.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2103 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

SCRep. 2572 (Joint) Transportation and Commerce, Consumer Protection, and Health on S.B. No. 2639

The purpose and intent of this measure is to combat predatory towing practices by clarifying existing statutes regulating the towing of abandoned vehicles by adding definitions, requiring tow and storage companies to accept credit cards, and including penalties consistent with unfair practices per chapter 480, Hawaii Revised Statutes.

Your Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs; GEICO Insurance Agency, Inc.; Young Progressives Demanding Action; and four individuals. Your Committees received comments on this measure from the Hawaii Insurers Council.

Your Committees find that predatory towing is a combination of generally unethical practices used by some towing companies to maximize their income. These practices include using spotters to get cars towed almost as soon as they are parked; charging excessive fees for towing or storage; or making private side deals with owners of stores or parking lots to maximize towing income. Your Committees further find that any of these practices can result in unfair and excessive charges for the vehicle owner. This measure will help curb predatory towing by adding definitions to the Hawaii Revised Statutes, requiring tow companies to accept credit cards, and include penalties consistent with chapter 480 of the Hawaii Revised Statutes. Your Committees further find that the measure as drafted would not apply to insurance companies who often represent their insured with respect to the tow companies. Accordingly, your Committees have amended this measure by:

- (1) Adding language that allows an insurer to retrieve an insured's vehicle from a towing service;
- (2) Restoring language being proposed for deletion from section 29C-165.5(b), Hawaii Revised Statutes, in order to allow insurers to have a right of action against towing companies; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2639, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2639, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 4. Noes, none. Excused, 1 (English).

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Ruderman, Wakai).

SCRep. 2573 Government Operations on S.B. No. 2714

The purpose and intent of this measure is to designate the pūpū kuahiwi as the official state snail.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Department of Agriculture, Bishop Museum, and five individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the pūpū kuahiwi is one of the few living representatives of the Amastridae family, the only family entirely comprised of species found only from Hawaii. According to testimony received by your Committee, there is currently less than fifty percent of the seven hundred and fifty unique Hawaiian land snails remaining on our islands. Your Committee further finds that the adoption of this measure will increase awareness of the imperiled status of Hawaiian land snails, preserve their cultural and ecological significance, and encourage continued conservation of native Hawaiian species.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that the pūpū kuahiwi is only found on the Waianae Range of Oahu. Accordingly, your Committee invites Bishop Museum and the Department of Land and Natural Resources to suggest language during this session that introduces additional snails, each of which is endemic to a Hawaiian island, to create a unique official state family of snails.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2714, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2714, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Inouye).

SCRep. 2574 Government Operations on S.B. No. 2843

The purpose and intent of this measure is to change the amounts to be posted for protest bonds related to procurement bids.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services and Department of Transportation. Your Committee received testimony in opposition to this measure from Subcontractors Association of Hawaii. Your Committee received comments on this measure from the State Procurement Office.

Your Committee finds that the originally proposed increases may pose a financial burden to some contractors and that not all states have protest bond requirements. Your Committee received testimonies communicating a need for the protest bond amounts to be high enough to deter non-substantive protests, but also a need to make the amounts more equitable depending on the estimated value of the contract.

Your Committee has amended this measure by:

- (1) Changing the bond amounts to one-half of one percent for contracts with an estimated value of less than \$500,000; one percent for contracts with an estimated value of \$500,000 up to \$1 million; and two percent for contracts with an estimated value of \$1 million or more;
- (2) Requiring the Department of Accounting and General Services, the Department of Transportation, and the Department of Education to submit an annual report to the Legislature, on the number of protests and outcomes resulting from this measure no later than twenty days prior to the convening of the regular session;
- (3) Defecting the date to January 1, 2050;
- (4) Adding a five-year sunset provision; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2843, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2843, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

SCRep. 2575 Government Operations on S.B. No. 3015

The purpose and intent of this measure is to make an appropriation of \$550,000 for fiscal year 2020-2021 to the Department of Accounting and General Services for innovative project delivery training, development, and consulting purposes.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services and the State Procurement Office. Your Committee notes that although the testimony submitted by the State Procurement Office was meant for SB3143 (2020), the State Procurement Office offered oral testimony in support of this measure during the hearing.

Your Committee finds that this appropriation invests in training and building expertise within the Public Works Division of the Department of Accounting and General Services to enable the state to shift large public works projects from low-bid procurement to more sophisticated procurement methods that provide the most effective and cost-efficient results.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3015, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3015, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2576 Government Operations on S.B. No. 3100

The purpose and intent of this measure is to codify the seventeen United Nations sustainable development goals and indicators with references to existing state sustainability programs, such as the Aloha+ Challenge, Sustainable Hawai'i Initiative, and World Conservation Congress Hawaii Commitments, in the Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Transportation; Department of Human Services; Department of Land and Natural Resources; Hawaii Climate Change Mitigation and Adaption Commission, State of Hawaii; Office of Planning, State of Hawaii; Kamehameha Schools; Chamber of Commerce Hawaii; Surfrider Foundation Oahu; Life of the Land; Healthy Climate Communities; Coastal Planners, LLC; and two individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that this measure aligns with our state's commitment to conservation, sustainability, and economic development, and that the adoption of this measure will supplement the State's existing sustainability goals, empower collective government and private conservation efforts in Hawaii to preserve and improve the State's communities and environment, and contribute to global efforts designed to build a more sustainable future for the world.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3100, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3100, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2577 Government Operations on S.B. No. 3143

The purpose and intent of this measure is to provide resources for the training and development of innovative project and general construction procurement methods and delivery systems within the Public Works Division of the Department of Accounting by:

- (1) Requiring the State Procurement Office and the Public Works Division of the Department of Accounting and General Services to create a ten-year pilot program to enable innovative construction procurement within the Public Works Division;
- (2) Creating the exempt position of innovative project delivery coordinator within the State Procurement Office;
- (3) Requiring the State Procurement Office and the Public Works Division of the Department of Accounting and General Services to submit a biennial report of its findings and recommendations, including any proposed legislation to the Legislature no later than twenty days prior to the convening of each regular session, beginning in 2022; and
- (4) Making an appropriation of \$85,000 for the fiscal year 2020-2021.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services, State Procurement Office, and Office of Planning, State of Hawaii.

Your Committee finds that to achieve best value through innovation in construction procurement and better management of procurement policy, that training and guidance is necessary. Your Committee further finds that the ten-year pilot program and exempt position created would promote procurement efficiency, program success, and government accountability.

Your Committee has amended this measure by:

- (1) Changing the title of the exempt position from the "Innovation Project Delivery Coordinator" to the "Innovation Project Delivery Officer";
- (2) Authorizing the State Procurement Office to establish and fill the Innovation Project Delivery Officer position within the Public Works Division;
- (3) Providing an appropriation of \$85,000 for each fiscal year until the end of the ten-year pilot program; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3143, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3143, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2578 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2889

The purpose and intent of this measure is to:

- (1) Establish the Hawaii State Fusion Center under the Office of Homeland Security; and
- (2) Establish the position of Director for the Hawaii State Fusion Center.

Your Committee received testimony in support of this measure from the Department of Defense, Department of Human Services, Department of Public Safety, Department of Transportation, Hawaii State Energy Office, Office of Homeland Security, Department of Emergency Management of the City and County of Honolulu, Hawai'i Police Department, Board of Water Supply, Retail Merchants of Hawaii, InfraGard Hawaii Members Alliance, and Hawaii Hotel Visitor Industry Security Association. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that on December 20, 2010, the State was designated as the seventy-seventh fusion center by the United States Department of Homeland Security. The Hawaii Fusion Center has been a vital resource for the State, serving as a center for federal, state, and county agencies to coordinate their efforts in receiving and sharing important security information. As security threats increase, it is essential that the State maintains the ability to coordinate the efficient and effective sharing of security information across all levels of government. This measure officially establishes the Hawaii Fusion Center and the position of the Hawaii State Fusion Center Director.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2889, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2889, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

SCRep. 2579 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2518

The purpose and intent of this measure is to:

- (1) Authorize the Attorney General to grant, in exceptional cases, licenses to carry concealed or unconcealed firearms;
- (2) Clarify that the authority of the county chiefs of police to grant licenses to carry unconcealed firearms is limited to applicants who are engaged in the protection of life and property while employed by certain entities;
- (3) Specify the training requirements of license applicants; and
- (4) Amend the fee from a per-license to a per-application basis and increase the fee.

Your Committee received testimony in support of this measure from the Office of the Mayor of the County of Hawaii and four individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, National Rifle Association of America, Hawaii Firearms Coalition, and two hundred fourteen individuals. Your Committee received comments on this measure from the Board of Private Detectives and Guards.

Your Committee finds that Hawaii has one of the strictest firearms carry laws in the nation. However, the firearm carry law has recently come under scrutiny in light of a recent federal appeals court decision. This court decision has brought to the State's attention certain concerns in the application process involving licenses to carry firearms in the State. Under existing law, Hawaii has granted some discretion to the county chiefs of police relating to the approval of licenses. Your Committee finds that this discretion may create a situation where each county uses different standards for granting licenses to carry firearms with the respective county. Currently, there is no consistent statewide authority that oversees the granting of licenses.

Your Committee has heard the concerns of the Department of the Attorney General regarding the lack of knowledge and expertise in the office with regard to making concealed and unconcealed carry licensing determinations. However, your Committee believes that having a single state agency making decisions with regard to firearm carrying licensing will ensure consistency in the determinations made for those seeking a firearm carry license. Your Committee recognizes the concerns of the Department of the Attorney General and your Committee requests that the Department have discussions with the Honolulu Police Department to develop a consensus regarding their concerns prior to your Committees on Judiciary and Ways and Means hearing this measure.

Your Committee has amended this measure by:

- (1) Requiring, instead of authorizing, the Attorney General to grant a license to an eligible applicant to carry an ammunition concealed or unconcealed firearm under certain circumstances; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2518, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2518, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 2580 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 1452

The purpose and intent of this measure is to facilitate license renewal for senior citizens by extending the renewal period from two years to four years for licensees between the ages of seventy-two and seventy-nine.

Your Committees received testimony in support of this measure from five individuals. Your Committees received testimony in opposition to this measure from the Department of Transportation and one individual.

Your Committees find that currently, a person older than seventy-two years of age must renew their driver's license every two years. This can be burdensome as many people seventy-two years or older still live busy lives and drive regularly.

Accordingly, your Committees have amended this measure by:

- (1) Extending the renewal period from two years to four years for licensees above the age of seventy-two; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1452, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1452, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Transportation: Ayes, 4. Noes, none. Excused, 1 (English).
Public Safety, Intergovernmental, and Military Affairs: Ayes, 5. Noes, none. Excused, none.

SCRep. 2581 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2105

The purpose and intent of this measure is to improve the driver's license renewal process for civilian employees and contractors living overseas by authorizing the examiner of drivers to accept driver's license renewal applications from civilian employees and contractors of the federal Department of Defense more than six months prior to the date of expiration under certain conditions.

Your Committees received comments on this measure from the Department of Transportation.

Your Committees find that under current law, an applicant may not apply for a renewal of a driver's license more than six months prior to the date of expiration. Your Committees further find that Hawaii residents who are temporarily living overseas as an employee or contractor with the United States Department of Defense may have their driver's license expire while living overseas because they left more than six months prior to expiration. This measure will allow those employees or contractors to renew their driver's license more than six months prior to expiration.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2105 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.
Transportation: Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (English).
Public Safety, Intergovernmental, and Military Affairs: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 2582 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2783

The purpose and intent of this measure is to aid disabled veterans by reducing the annual vehicle registration fee by fifty percent for disabled veterans who are fifty percent or more disabled.

Your Committees received testimony in support of this measure from the Department of Transportation, Office of Veterans' Services, and one individual. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that existing law exempts veterans from paying annual vehicle registration fees so long as that veteran is determined to be one hundred percent disabled. However, there is no reduced annual vehicle registration fee for any veteran who is determined to be less than one hundred percent disabled. This measure will reduce the vehicle registration fee by fifty percent for veterans who are determined to be at least fifty percent disabled.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2783 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Transportation: Ayes, 4. Noes, none. Excused, 1 (English).
Public Safety, Intergovernmental, and Military Affairs: Ayes, 5. Noes, none. Excused, none.

SCRep. 2583 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2995

The purpose and intent of this measure is to improve roadway safety by establishing a framework for the regulation of electric foot scooters by the State and counties and amending the definition of “moped” to exclude electric foot scooters.

Your Committees received testimony in support of this measure from the Department of Transportation; Department of Planning, County of Kaua‘i; Department of Transportation Services, City and County of Honolulu; Hawaii Bicycling League; Spin, Inc.; Skip, Inc.; and Ulupono Initiative. Your Committees received testimony in opposition to this measure from Hawaii Association for Justice. Your Committees received comments on this measure from Lime, Bird Rides, Inc.

Your Committees find that electric foot scooters and other micromobility options have enormous potential to be a solution to reducing transportation costs, vehicle congestion on Hawaii’s roads, dependence on fossil fuels, and pollutants and harmful emissions. These vehicles are also a good option for first-mile/last-mile connections for many who use public transit as a primary mode of transportation. Your Committees further find that given the frequency with which these scooters are seen on the roads, it is necessary to appropriately regulate these vehicles. This measure establishes a framework for the regulation of electric foot scooters by the State and counties and amends the definitions of “moped” to exclude electric foot scooters. Your Committees note the testimony of the Department of Planning, County of Kaua‘i, suggesting that the definition of electric foot scooter in this measure conform to the definition of electric foot scooter in similarly introduced measures.

Accordingly, your Committees have amended this measure by changing the definition of “electric foot scooter” to include that the device weigh less than seventy-five pounds.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2995, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2995, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (English).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 2584 (Joint) Government Operations and Human Services on S.B. No. 2838

The purpose and intent of this measure is to amend certain sections of the statutes governing the procurement of health and human services in Hawaii. Specifically, this measure:

- (1) Requires purchasing agencies of health and human services to analyze proposed costs and prices and document the agency’s determination that such costs and prices are fair and reasonable;
- (2) Allows departments and agencies to establish their own lists of qualified health and human services providers from which they can use the treatment purchase of service procurement method to procure their services;
- (3) Increases the threshold for small purchase purchases for health and human services; and
- (4) Reduces the number of members of the Procurement Policy Board and removes the requirement that at least one board member be a certified professional in the field of procurement.

Your Committees received testimony in support of this measure from the State Procurement Office. Your Committees received comments on this measure from the Department of Human Services.

Your Committees find that updating and streamlining the procurement laws relating to the purchase of health and human services will promote procurement efficiency, program success, and government accountability of procurement procedures. Your Committees further find that by reducing the number of board members and membership requirements of the Procurement Policy Board will improve the ability for the board to reach quorum and promulgate procurement rules.

Your Committees have amended this measure by:

- (1) Adopting language as jointly submitted by the State Procurement Office and Department of Human Services, which better reflects the intent of this measure; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2838, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2838, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 3. Noes, none. Excused, 2 (Kanuha, Fevella).

Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

SCRep. 2585 Hawaiian Affairs on S.B. No. 2826

The purpose and intent of this measure is to:

- (1) Clarify that the Department of Hawaiian Home Lands shall not cancel a lease solely based on a loan default or delinquency unless all loan loss mitigation procedures are exhausted pursuant to the loan servicing manual; and

- (2) Require the Department of Hawaiian Home Lands to develop and implement a loan servicing manual.

Your Committee received testimony in support of this measure from one member of the Hawaii County Council and five individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Hawaiian Home Lands.

Your Committee finds that the Department of Hawaiian Home Lands has an extensive lease cancellation process, which includes multiple and ongoing hearings with the Hawaiian Homes Commission on the lessee's island to prevent travel costs and provide for loan modification options and additional financial counseling. A lease may only be cancelled by a quorum of five commissioners and a majority vote. Once a lease is cancelled, a lessee can seek reconsideration or appeal under chapter 91, Hawaii Revised Statutes. Your Committee further finds that the Department of Hawaiian Home Lands has written loan servicing guidelines, and the department staff work one-on-one with lessees who are experiencing challenges in paying their mortgages. These challenges may include, but are not limited to, job loss, a medical emergency, or a family crisis. In addition, loan officers with the Department of Hawaiian Home Lands provide payment options and financial counseling paid for by the Department of Hawaiian Home Lands. To ensure the availability of adequate assistance, lessees are contacted by postal mail, phone, e-mail, and through in-person visits, if necessary. In light of the foregoing, your Committee finds that requiring the Department of Hawaiian Home Lands to develop and implement a loan servicing manual would further enhance its efforts to assist distressed beneficiaries.

Your Committee has amended this measure by:

- (1) Removing section 1, which prohibits the Department of Hawaiian Home Lands from canceling a lease solely based on a loan default or delinquency unless all loan loss mitigation procedures are exhausted pursuant to the loan servicing manual;
- (2) Removing forbearance from the list of information the loan servicing manual must include; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2826, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2826, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3; Ayes with Reservations (Kahele). Noes, none. Excused, 2 (Ihara, Fevella).

SCRep. 2586 Hawaiian Affairs on S.B. No. 2389

The purpose and intent of this measure is to prohibit lessees who sell or transfer land from obtaining subsequent leases of the same class of land unless the subsequent lease is acquired pursuant to section 209 of the Hawaiian Homes Commission Act, 1920, as amended, or the prior lease interest held by the lessee was a partial interest held with another lessee or lessees.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Hawaiian Home Lands.

Your Committee finds that certain native Hawaiians who are eligible for a lease pursuant to the Hawaiian Homes Commission Act, 1920, as amended, have acquired a lease, sold or transferred their interest in the lease, and then placed their name on the waitlist for a second lease of Hawaiian home lands. This has contributed to many otherwise eligible native Hawaiians never receiving a lease offer. This measure will prohibit lessees who sell or transfer land from obtaining certain subsequent leases before those who have never received a lease offer, which will allow more Department of Hawaiian Home Lands beneficiaries who have never received a lease offer to receive one.

Your Committee heard testimony from the Department of Hawaiian Home Lands that legislative action is not needed because of the existing administrative rules that place a preference on applicants who have not been awarded a lease, close the loophole on profit from sale of vacant or undeveloped lots and undivided interest, and prioritize transfers to qualified beneficiaries on the waitlist over beneficiaries not on a waitlist.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting language to require the Department of Hawaiian Home Lands to adopt within two years from the effective date administrative rules requiring that a lessee who sells their lease for profit contributes to the Department of Hawaiian Home Lands' profit-sharing plan; provided that the profits be used for the benefit of the Department of Hawaiian Home Lands; provided further that the profit-sharing contribution requirement shall not apply to any person who sells their lease because of any extenuating circumstance; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2389, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2389, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2587 Human Services on S.B. No. 2204

The purpose and intent of this measure is to provide that certain pregnant women receiving substance abuse treatment are eligible for substance abuse treatment as well as mental health services for an additional twelve months following childbirth.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, Hawai'i Psychological Association, Democratic Party of Hawai'i, American Academy of Pediatrics, Planned Parenthood, Hawai'i Applesseed Center for Law and Economic Justice, American College of Obstetricians and Gynecologists, Early Childhood Action Strategy, Hawaii Maternal and Infant Health Collaborative, March of Dimes, and nine individuals. Your Committee received comments on this measure from the Department of Human Services and Kookaa Kalihi Valley Comprehensive Family Services.

Your Committee finds that women who are ineligible for postpartum health coverage struggle to get necessary care during the fourth trimester, the twelve weeks following childbirth. Your Committee notes that these twelve weeks are a critical time as women are more likely to die of pregnancy-related conditions during this time than during pregnancy or childbirth. Nationwide, drug overdoses, suicides, and pregnancy-related chronic illnesses, including diabetes, heart disease, and high blood pressure, contribute to a rise in deaths among women during pregnancy, childbirth, and the first twelve months after childbirth.

Your Committee also finds that according to the United States Centers for Disease Control and Prevention, adequate medical attention could prevent three out of five pregnancy-related deaths. Further, medicaid pregnancy coverage, which pays for nearly half of all births in the United States, expires sixty days after childbirth, leaving many women without adequate health care.

Your Committee has amended this measure by:

- (1) Expanding eligibility for medical assistance to pregnant women for a twelve-month period following their pregnancy; and
- (2) Deleting the requirement that makes receiving substance abuse and mental health treatment contingent to adherence to substance abuse treatment program.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2204, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2204, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2588 (Joint) Government Operations and Housing on S.B. No. 2035

The purpose and intent of this measure is to require the number of housing units proposed to be developed to constitute forty percent of the evaluation score when determining the award of redevelopment contracts on state or county lands.

Your Committees received testimony in opposition to this measure from the State Procurement Office and Hawaii Housing Finance and Development Corporation.

Your Committees recognize that Hawaii has a housing shortage which causes residents to move out of the State to more affordable markets and contributes to the increased number of homeless individuals and families across our State. Your Committees find that currently there is a unique opportunity to increase the supply of housing by building more housing units on state-owned lands along the rail transit corridor.

Your Committees have amended this measure by:

- (1) Limiting the requirement to apply only to procurement projects located within a one-half mile radius of mass transit stations in urban areas; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note that the language of this measure should not be placed in the Hawaii Procurement Code - 103D, Hawaii Revised Statutes, but rather relocated to a more appropriate section or sections of the Hawaii Revised Statutes.

As affirmed by the records of votes of the members of your Committees on Government Operations and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2035, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2035, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 5. Noes, none. Excused, none.

Housing: Ayes, 5. Noes, none. Excused, none.

SCRep. 2589 Higher Education on S.B. No. 2933

The purpose and intent of this measure is to add the University of Hawaii to the list of agencies that are authorized to conduct criminal history record checks on current or prospective employees, including student employees and contractors and their employees, whose positions or duties are related to public safety.

Your Committee received testimony in support of this measure from the University of Hawaii and a private individual.

Your Committee finds that the University of Hawaii is a diverse community including students, employees, and members of the public. Some students are still minors; some students live in on-campus residences; and some University functions are held at night. Accordingly, the university's public safety employees are called upon to perform a diverse array of security duties. University Security Officers are civil service employees whose recruitment has historically been performed by the Department of Human Resources Development. The university entered into an agreement with Department of Human Resources Development September 2019, under which the university has conducted six external recruitments of University Security Officers, which took approximately one month to complete. Without the agreement, this process would have taken an average of three to four months. Your Committee further finds that this measure will enable the Department of Human Resources Development to delegate to the University of Hawaii the authority to conduct background checks and perform all aspects of University Security Officer recruitment in an expeditious manner.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2933 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kahele).

SCRep. 2590 (Joint) Higher Education and Technology on S.B. No. 3058

The purpose and intent of this measure is to repeal the sunset provision in Act 38, Session Laws of Hawaii 2017. The purpose of Act 38 was to facilitate the University of Hawaii's contribution to research commercialization and economic development for the State by clarifying and updating the application of ethics principles set forth in the state code of ethics to technology transfer activities sponsored by the university.

Your Committees received testimony in support of this measure from the University of Hawai'i System; Spectrum Photonics; Hawaii Business Roundtable; Adnoviv, Inc.; and a private individual. Your Committees received testimony in opposition to this measure from the Hawaii State Ethics Commission.

Your Committees find that the University of Hawaii has developed draft policies and protocols and is consulting with various stakeholder groups in the University of Hawaii community, including its faculty to continue the efforts to develop the policies, internal guidance, forms and procedural protocols to fully implement a robust compliance program. As such, the University of Hawaii has requested that the Legislature remove the sunset provision of Act 38, Session Laws of Hawaii 2017.

Until stakeholders like the Legislature, University of Hawaii, Hawaii State Ethics Commission, and general public have had an opportunity to review the University of Hawaii's final compliance framework on technology transfer activities, your Committees recommend a three-year extension of Act 38 rather than the removal of the sunset provision being requested.

Your Committees have amended this measure by:

- (1) Providing for a three-year extension of Act 38, Session Laws of Hawaii 2017, rather than a complete repeal of the sunset date; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Higher Education and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3058, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3058, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.
Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).
Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

SCRep. 2591 Higher Education on S.B. No. 3059

The purpose and intent of this measure is to repeal the sunset provision in Act 39, Session Laws of Hawaii 2017, the purpose of which was to provide express statutory authority to enable and facilitate the deployment of university educational and instructional resources, university managerial and fiscal resources, and university personnel to promote the economic health and diversification of workforce opportunities in the State through the commercialization of inventions and discoveries generated by or at the University of Hawaii.

Your Committee received testimony in support of this measure from the University of Hawai'i System; Hawaii Business Roundtable; Spectrum Photonics; Adnoviv, Inc.; Elemental Excelsior; and a private individual.

Your Committee finds that universities across the country increasingly recognize that they can play an active role to support the transformation of inventions and discoveries generated on their campuses and to advance these technologies to the commercial realm. Your Committee recognizes that the University of Hawaii needs to keep pace with its peers to remain competitive in attracting sponsored research, enterprising faculty, and talented students.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3059 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kahele).

SCRep. 2592 Commerce, Consumer Protection, and Health on S.B. No. 2586

The purpose and intent of this measure is to permit qualifying patients to be reimbursed by health insurers, mutual benefit societies, and health maintenance organizations for amounts spent on medical cannabis and manufactured cannabis products.

Your Committee received testimony in support of this measure from the Hawai'i Cannabis Industry Association, Pono Life Maui, Aloha Green Holdings Inc., Kush Hawaii, and seven individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Akamai Cannabis Clinic, and Hawaii Medical Service Association.

Your Committee finds that a legislative oversight working group was established by Act 230, Session Laws of Hawaii 2016, to develop and recommend legislation to improve the medical cannabis dispensary system in the State to ensure safe and legal access to medical cannabis for qualifying patients. One of the topics considered by the working group was the potential for medical cannabis to be reimbursable via health insurance and workers' compensation. However, because the issues surrounding the topic of insurance reimbursement for medical cannabis are extremely complex, a separate working group was established to specifically address this

topic, demonstrating how critical it is to further examine the complexities of the topic of making medical cannabis reimbursable by health insurance to support patient access.

Your Committee notes that the reimbursement by health insurers, mutual benefit societies, and health maintenance organizations for medical cannabis and manufactured cannabis products would not constitute a new benefit, but simply be another drug covered by an existing health plan's drug benefit program.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2586, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2586, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 2593 Commerce, Consumer Protection, and Health on S.B. No. 2505

The purpose and intent of this measure is to require and appropriate funds for the Department of Health to establish a continuum of stabilization beds statewide for non-forensic patients with substance abuse or mental health disorders, or both, by repurposing unused state facilities.

Your Committee received testimony in support of this measure from the Honolulu Emergency Services Department of the City and County of Honolulu; one member of the Hawai'i County Council; Hawaii Disability Rights Center; Community Alliance on Prisons; Habitat for Humanity Hawaii Island, Inc.; Mental Health America of Hawai'i; Hawaii Substance Abuse Coalition; Partners in Care; Hawaii Kai Homeless Task Force; Catholic Charities Hawai'i; Democratic Party of Hawai'i; Hawaii Psychological Association; Hawai'i Health & Harm Reduction Center; and seven individuals. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that the intersection of homelessness and behavioral health conditions is a crisis in Hawaii, which contributes to Hawaii having the second highest rate of homelessness in the nation. Unfortunately, there is currently no coordinated system of stabilization from the streets that assesses for and links to the next level of clinical care. The current options for those needing stabilization from substance use, mental health, and homelessness are stretched, as emergency facilities throughout the State have experienced substantial increases in psychiatric emergency admissions, resulting in overcrowding and unsafe environments for patients and medical staff. This measure seeks to significantly improve the State's mental health system by providing a coordinated continuum of care for both behavioral health conditions and homelessness.

Your Committee further notes that Leahi Hospital and Maluhia have been identified as state facilities that may be utilized to provide the appropriate continuum of care services for adults as well as geriatric patients.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2505, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2505, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 2594 Commerce, Consumer Protection, and Health on S.B. No. 2426

The purpose and intent of this measure is to make conforming amendments to the medical cannabis dispensary law by:

- (1) Providing a process for the voluntary or involuntary sale or transfer of a dispensary license;
- (2) Removing the exclusion from dispensary employment for certain class C felony convictions;
- (3) Repealing certain restrictions on medical cannabis dispensary siting; and
- (4) Including primary caregivers, qualifying out-of-state patients, and caregivers of a qualifying out-of-state patient as covered individuals.

Your Committee received testimony in support of this measure from the Department of Health, Hawai'i Cannabis Industry Association, Maui Grown Therapies, Aloha Green Holdings Inc., Kush Hawaii, and six individuals. Your Committee received testimony in opposition to this measure from PATIENTS WITHOUT TIME and one individual. Your Committee received comments on this measure from the Akamai Cannabis Clinic.

Your Committee finds that the regulated statewide dispensary system for medical cannabis was established on July 14, 2015, as Act 241, Session Laws of Hawaii 2015, to ensure safe and legal access to medical cannabis of qualifying patients. Since then, the experience of the program indicates that improvements to the law will help to fulfill its original intent by clarifying provisions and implementing reasonable modifications to support patient access, such as defining "restricted access area" to better serve qualified

patients by allowing certain individuals to help patients into retail dispensaries, while preventing unauthorized access to medical cannabis and manufactured medical cannabis products.

To assist the Committee on Judiciary with its deliberation on this measure, your Committee notes the comments and concerns of Maui Grown Therapies related to further expanding the exemption from background checks for certain individuals under certain conditions and that the Department of Health did not provide any comments on these concerns.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2426, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2426, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 2595 Commerce, Consumer Protection, and Health on S.B. No. 2476

The purpose and intent of this measure is to authorize naturopathic physicians with the same authority as physicians and advanced practice registered nurses in regards to providing written certifications for qualified patients for the medical use of cannabis.

Your Committee received testimony in support of this measure from the Hawaii Society of Naturopathic Physicians, Kush Hawaii, Vitality Natural Medicine Clinic, Aloha Green Holding Inc., and twenty-one individuals. Your Committee received comments on this measure from the Department of Health, Department of Public Safety, Board of Naturopathic Medicine, and Akamai Cannabis Clinic.

Your Committee finds that although the State has taken many important steps to make medical cannabis available, further action is needed to ensure access. One way is to expand the scope of professionals who may provide written certification for qualifying patients to use medical cannabis. Authorizing naturopathic physicians to provide written certification for medical cannabis use to qualifying patients will increase patient access to medical cannabis, which is limited by the number of physicians and advanced practice registered nurses actively certifying qualified patients.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2476, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2476, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 2596 Education on S.B. No. 3037

The purpose and intent of this measure is to:

- (1) Clarify and consolidate authorizer annual reporting requirements to the Board of Education and the legislature;
- (2) Streamline the application process for new charter schools;
- (3) Amend indicators and measures in the performance framework of the charter contract; and
- (4) Allow for the selection of an auditor from a list.

Your Committee received testimony in support of this measure from the State Public Charter School Commission.

Your Committee finds that the State Public Charter School Commission testified that this measure makes housekeeping amendments to the governing charter school statute, Chapter 302D, Hawaii Revised Statutes. Your Committee recognizes the importance of supporting the efforts of the Commission and acknowledges the Commission's work in trying to improve its processes by amending its governing statutes.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3037 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2597 Education on S.B. No. 2259

The purpose and intent of this measure is to:

- (1) Establish a workforce readiness diploma program within the Department of Education Adult Community Schools Program; and
- (2) Appropriate funds.

Your Committee received testimony in support of this measure from the Department of Education, McKinley Community School for Adults, Waipahu Community School for Adults, McKinley Community School for Adults – Moanalua Campus, Hawaii Workforce Development Council, Hawaii Food Industry Association, Hawaii Pacific Health, and nine private individuals. Your Committee received comments on this measure from the Department of Labor and Industrial Relations, Executive Office of Early Learning, and Early Learning Board.

Your Committee finds that this measure supports, strengthens, and advances a consolidated statewide effort by the Community Schools for Adults to prepare students for the career pipeline with the appropriate skills, attributes, certifications, and college credit to quickly become effective contributors to the local workforce.

Your Committee urges the Department of Education to consider applying workforce readiness in high need areas of education such as early childhood education as it implements the workforce readiness diploma program proposed by this measure.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2259 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2598 Education on S.B. No. 2941

The purpose and intent of this measure is to require the Department of Education to establish and administer an ocean safety and stewardship education program for all fourth grade students. The program is to be established within six months of the effective date of this Act.

Your Committee received testimony in support of this measure from the Department of Education and two private individuals.

Your Committee finds that this measure is part of the Department of Education's ongoing efforts to ensure that public school children are provided with opportunities that foster health, safety, education, school readiness, and success. The ocean is a vital and essential part of everyone's life in Hawaii. An ocean safety and stewardship education program will help cultivate a love of the ocean based on respect, safety, and stewardship early in the lives of our keiki.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2941 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2599 Education on S.B. No. 2065

The purpose and intent of this measure is to:

- (1) Establish a Workforce Readiness Program within the Department of Education to allow students to graduate from an extended high school enrollment with an industry-recognized associate's degree to complement the student's high school diploma; and
- (2) Appropriate moneys to develop and implement the program, including two Educational Specialist II staff positions and seven District Office Teachers.

Your Committee received testimony in support of this measure from the Department of Education and Hawaii Food Industry Association. Your Committee received comments on this measure from the Department of Labor and Industrial Relations, Executive Office on Early Learning, and Early Learning Board.

Your Committee finds that creating a coordinated workforce development system by engaging stakeholders across education, business, industry, and higher education is a vital part of developing a qualified pool of talent ready to meet our local, regional and global economic and labor demands.

Your Committee further finds that the Department of Education is urged to consider implementing the workforce readiness program in high need areas of education such as early childhood education as it will help provide a qualified field of workers for in-demand occupations as intended by this measure.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2065 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2600 Education on S.B. No. 3180

The purpose and intent of this measure is to make an emergency appropriation and is recommended by the Governor for immediate passage in accordance with article VII, section 9, of the Constitution of the State of Hawaii to provide funds for the state public charter school commission to pay the claim and settlement amount pursuant to Miller-Potter v. State of Hawaii, et al., Civil No. 16-1-0385K.

Your Committee received testimony in support of this measure from the Hawaii State Public Charter School Commission, Hookakoo Corporation, and a private individual.

Your Committee finds that section 4 of Act 99, Session Laws of Hawaii 2019, appropriated \$75,000 in general funds from the fiscal year 2018-2019 budget for EDN 600 to pay for claims against the State or Hawaii state public charter school. However, serious questions arose regarding whether the State's risk management protection covered public charter schools. This resulted in the Hawaii state public charter school being required to use funds for the settlement payment from funds that were intended for the operation of the public charter school and the education of public charter school students.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3180 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2601 Agriculture and Environment on S.B. No. 2774

The purpose and intent of this measure is to prohibit, beginning January 1, 2028, a person from operating an underground storage system with a capacity of 100,000 gallons or more, mauka of the underground injection control line.

Your Committee received testimony in support of this measure from the Department of Health, City and County of Honolulu Board of Water Supply, Our Revolution Hawaii, Environmental Caucus of the Democratic Party of Hawai'i, Young Progressives Demanding Action, Hawaii Youth Climate Coalition, Pono Hawai'i Initiative, Ke One O Kākuhihewa Oahu Council of the Association of Hawaiian Civic Clubs, Sierra Club of Hawai'i, Hawai'i SEED, IMUAlliance, KEY Project, Faith Action for Community Equity, Seeds of Truth, Hawaii Applesseed Center for Law and Economic Justice, and sixty-five individuals. Your Committee received testimony in opposition to this measure from the Department of the Navy Commander Navy Region Hawaii, University of Hawai'i System, Chamber of Commerce Hawaii, and four individuals.

Your Committee finds that the leakage of fuel from underground storage tanks is a matter of statewide concern. Fuel that leaks from storage tanks can contaminate groundwater that is used for human consumption and cause significant damage to the environment. Issues surrounding leaking fuel storage tanks are numerous and need to be adequately addressed for the health and safety of Hawaii's people and environment. Action is needed to protect Hawaii's groundwater from contamination threatened by large capacity underground storage tank systems, specifically, the U.S. Navy's aging Red Hill fuel tanks. This measure seeks to protect Hawaii's precious groundwater by banning large underground storage tanks beginning in the year 2028.

Your Committee has amended this measure by:

- (1) Amending the definition of "underground injection control line" to be consistent with the Underground Injection Control line represented by a dashed line on the "State of Hawaii Department of Health Underground Injection Control Program" maps; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2774, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2774, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Rhoads, Fevella).

SCRep. 2602 (Joint) Agriculture and Environment and Commerce, Consumer Protection, and Health on S.B. No. 3106

The purpose and intent of this measure is to:

- (1) Require the Department of Agriculture to establish a permanent industrial hemp program to license individuals to cultivate industrial hemp in the State;
- (2) Authorize licensees to utilize hemp genetics that meet federal definitions of hemp and other requirements;
- (3) Require the Department of Health to adopt rules for the licensing, inspection, and regulation of industrial hemp processing facilities;
- (4) Establish an affirmative defense to certain criminal drug promotion offenses;
- (5) Authorize the Department of Agriculture to use temporary inspectors to perform industrial hemp inspections;
- (6) Exempt the transportation of certain hemp plant materials from penalties relating to the possession of those materials outside of a field of lawful cultivation;
- (7) Reduce or repeal certain regulatory requirements under the existing industrial hemp pilot program;
- (8) Amend definitions of "marijuana" in state law to clarify that hemp grown by a licensee is not marijuana and amending references to tetrahydrocannabinols in the state law to exclude tetrahydrocannabinols in hemp;
- (9) Require the Chairperson of the Board of Agriculture to:
 - (A) Prepare and submit a proposed state plan to monitor and regulate hemp production, including commercial production and research, to the federal Secretary of Agriculture pursuant to section 297B of the Agricultural Marketing Act of 1946, as amended; and

- (B) Report to the Governor, Speaker of the House of Representatives, and President of the Senate on the status of the federal Secretary of Agriculture's pending approval of the state plan and, if approved, the subsequent implementation of the plan; and
- (10) Establish an industrial hemp special fund for the purposes of the permanent industrial hemp program, appropriating moneys into that fund, and appropriating moneys from that fund for the establishment of positions relating to the regulation of industrial hemp.

Your Committees received testimony in support of this measure from Irie Hawaii, Hawai'i Hemp Farmers Association, and fourteen individuals. Your Committees received comments on this measure from the Department of Agriculture, Department of Budget and Finance, Department of Health, Department of Public Safety, and Department of the Attorney General.

Your Committees find that hemp is no longer classified as an illegal drug under federal law due to the recently-enacted Agriculture Improvement Act of 2018, informally known as the "Farm Bill". The Farm Bill authorizes the department of agriculture of each state wishing to have primary regulatory authority over hemp production in that state to submit to the federal Secretary of Agriculture a proposed plan for the state's department of agriculture to monitor and regulate hemp production within the state, including a procedure for conducting annual inspections of a random sample of hemp producers.

Your Committees further find that research on hemp shows that there is significant potential for a successful hemp agricultural industry in Hawaii. Hemp is beneficial in removing toxins from the soil, grows quickly and is a superior phytoremediation crop, environmentally-friendly, and efficient feedstock for biofuel. Also, hemp can be made into clothing and used in other products to promote the growth of small businesses. This measure facilitates the regulation and production of industrial hemp in the State.

Your Committees have amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3106, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3106, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2603 Commerce, Consumer Protection, and Health on S.B. No. 2354

The purpose and intent of this measure is to:

- (1) Prohibit a person from advertising or conducting a live musical performance through the use of deceptive affiliation under certain conditions; and
- (2) Enable action against deceptive practices by imposing penalties and private right of action.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that a number of famous legacy musical acts are scheduled to perform in the State at various venues this year. This measure seeks to protect the intellectual property of musical artists and to protect consumers from deceptive practices by prohibiting advertising or conducting live performances or productions through the use of false, deceptive, or misleading affiliation, unless the performance includes one member of the group, is identified as a tribute band, or the group is an authorized owner of a federal service mark for the original group. Accordingly, this measure will benefit consumers so that they know with certainty whether the band performing is the original or a tribute act.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2354, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2354, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 2604 Commerce, Consumer Protection, and Health on S.B. No. 2588

The purpose and intent of this measure is to permit psychologists to claim exemption from service as a juror.

Your Committee received testimony in support of this measure from the Hawai'i Psychological Association and twenty-six individuals. Your Committee received testimony in opposition to this measure from the Hawaii State Judiciary.

Your Committee finds that permitting psychologists to claim exemption from service as a juror would establish parity between access to mental health care and access to medical and dental care, pursuant to other permitted exemptions under existing state law.

Your Committee heard the concerns raised by the Hawaii State Judiciary in its testimony and finds that the selection of a jury from a representative cross-section of the population is critical to our justice system and is an essential component of the constitutional right to

an impartial jury. This measure, combined with other current exemptions, would severely impact the Judiciary's ability to maintain an adequate pool of jurors. Accordingly, amendments to this measure are necessary to address these concerns.

Your Committee has also heard the concerns raised in testimony that compelling psychologists to serve on a jury can make them inaccessible to both ongoing and new patients who may require immediate care and may present further scheduling conflicts for urgent referrals and coordinated care for patients. Your Committee finds that these issues merit further consideration and requests that your Committee on Judiciary examine those issues and concerns raised by the testifiers on this measure.

Your Committee has amended this measure by:

- (1) Clarifying that an actively practicing psychologist may claim exemption from service as a juror if the case concerns a psychologist or former patient; and
- (2) Making conforming technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2588, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2588, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 2605 Commerce, Consumer Protection, and Health on S.B. No. 2284

The purpose and intent of this measure is to prohibit a health care insurer, mutual benefit society, or health maintenance organization from requiring an insured, subscriber, member, or enrollee diagnosed with stage two through stage four cancer to undergo step therapy prior to covering the insured for the drug prescribed by the insured's health care provider, under certain conditions.

Your Committee received testimony in support of this measure from the Hawaii Medical Association. Your Committee received testimony in opposition to this measure from the Hawaii Medical Service Association and Hawaii Association of Health Plans. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and the Hawaii Employer-Union Health Benefits Trust Fund Board of Trustees.

Your Committee finds that cancer is the second leading cause of death among Hawaii residents. Step therapy is a form of prior authorization that requires preferred drugs to be prescribed first until proven ineffective before physicians can try other, potentially higher cost drugs or treatment. For cancer patients, quick access to proper, personalized treatment can be critical to survival. Step therapy policies are an administrative burden for physician practices and they also delay getting cancer patients the right drug or treatment at the right time. Further, step therapy treatments are far too often health plan- or provider-centered, rather than patient-centered.

Your Committee has heard the concerns raised in the testimony that this measure mandates health insurance coverage for specific care and is subject to an impact assessment report. Your Committee notes that providing timely and quality health care to cancer patients is not a new mandate. An insurer's decision to not provide coverage is ultimately a financial decision, not one based on the health care needs of the patient. Your Committee further notes that Medicare Part D drug plans already provide for a formulary exception to be exempt from step therapy. Accordingly, your Committee finds it is appropriate for the Legislature to take similar action for our residents.

Your Committee has amended this measure by:

- (1) Clarifying that the prohibition on step therapy applies to health insurance policies and contracts issued or renewed after December 31, 2020; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2284, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2284, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Wakai).

SCRep. 2606 Commerce, Consumer Protection, and Health on S.B. No. 3075

The purpose and intent of this measure is to require the board of psychology to establish a pilot program to grant prescriptive authority to qualified psychologist applicants in counties with a population of less than one hundred thousand persons, to repeal on August 31, 2025.

Your Committee received testimony in support of this measure from the Hawai'i Psychologist Association, Office of the Mayor of the County of Kaua'i, Hawaii County Council, American Psychological Association, and six individuals. Your Committee received testimony in opposition to this measure from the Hawaii Medical Association, Hawai'i Psychiatric Medical Association, and one individual. Your Committee received comments on this measure from the Board of Psychology and the University of Hawai'i at Hilo, Daniel K. Inouye College of Pharmacy.

Your Committee finds that Hawaii continues to experience a significant shortage of doctors throughout the State and especially on neighbor islands. Included in this shortage is a substantial deficiency of the number of psychiatrists practicing on the neighbor islands. With a lack of access to appropriate mental health treatment, the consequences are devastating and far too often end in suicide. Psychologists with additional post-doctoral training in psychopharmacology are skilled in both the diagnosis and treatment of mental health conditions and the use of psychotropic medications and can provide urgently needed psychological interventions and

psychopharmacological treatment services to the underserved populations of Hawaii. This measure would help those communities by establishing a pilot program to grant prescriptive authority to advanced trained medical psychologist applicants in counties with a population of one hundred thousand persons or less.

Your Committee further expressly notes its disappointment that the psychiatry field's opposition to this measure is without merit and rather is rooted in the self-interest of protecting one's title without stepping up to take action to help those in need on neighbor islands. This measure creates an opportunity to provide greater access to mental health services in areas experiencing critical shortages by utilizing the panoply of providers skilled in this area of health care.

Your Committee further notes that it received comments during the public hearing on this measure indicating that the State's rural communities may benefit from this pilot program. Your Committee finds this merits further consideration and requests that your Committee on Judiciary examine expanding the application of this pilot program to include counties with a population of five hundred thousand or less.

Your Committee has amended this measure by:

- (1) Clarifying that an applicant shall have clinical experience that includes a minimum of eight hundred hours completed in a clinical prescribing practicum, including geriatric, pediatric, and pregnant patients, completed in no less than twelve months and no more than fifty-six months, consisting of certain specifications; and
- (2) Making conforming technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3075, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3075, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 7. Noes, none. Excused, none.

SCRep. 2607 Commerce, Consumer Protection, and Health on S.B. No. 2904

The purpose and intent of this measure is to prohibit the sale or distribution of all flavored tobacco products, including products with menthol, in the State.

Your Committee received testimony in support of this measure from the Department of Health; Hawai'i Primary Care Association; Tobacco King, LLC; Hawai'i Public Health Institute; and seven individuals. Your Committee received testimony in opposition to this measure from the Hawaii Petroleum Marketers Association, Hawaii Smokers Alliance, VOLCANO Fine Electronic Cigarettes, and thirty-two individuals.

Your Committee finds that tobacco use remains the leading cause of preventable disease and death in the United States and in Hawaii, creating a serious public health problem in terms of the human suffering and loss of life it causes, as well as the financial burden it imposes on society and the healthcare system. Given the significant threat to public health posed by flavored tobacco products, this measure takes steps to regulate these products to reduce tobacco-related health disparities and address the sale of tobacco products.

Your Committee further finds that although the measure title, report title, and summary description of the measure contain the correct language that establishes a schedule of penalties for employees and holders of retail tobacco permits or persons registered to sell electronic smoking devices who illegally sell tobacco products and electronic smoking devices to persons under twenty-one years of age, the contents of the measure do not reflect those intentions.

Accordingly, your Committee has amended this measure by deleting its contents and inserting language that establishes a schedule of penalties for employees and holders of retail tobacco permits or persons registered to sell electronic smoking devices who illegally sell tobacco products and electronic smoking devices to persons under twenty-one years of age.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2904, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2904, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Ruderman, Thielen).

SCRep. 2608 Commerce, Consumer Protection, and Health on S.B. No. 2587

The purpose and intent of this measure is to:

- (1) Transition from lump sum deferred deposit transactions to installment-based small dollar loan transactions;
- (2) Specify various consumer protection requirements for small dollar loans;
- (3) Beginning January 1, 2022, require licensure for small dollar lenders that offer small dollar loans to consumers;
- (4) Specify licensing requirements for small dollar lenders;
- (5) Authorize the division of financial institutions to appoint 2.0 FTE examiner positions, funded via the compliance resolution fund, to carry out the purposes of the small dollar installment loan program;
- (6) Require check cashers to be registered with the Department of Commerce and Consumer Affairs and to offer a voluntary payment plan to customers under certain circumstances;

- (7) Establish the terms of voluntary payment plans;
- (8) Clarify that a customer may only have one outstanding deferred deposit transaction from any source;
- (9) Amend notices to customers required of check cashers;
- (10) Remove the exemption for persons engaged in the bona fide retail sale of goods or services; and
- (11) Require the division of financial institutions of the Department of Commerce and Consumer Affairs to conduct an analysis of the regulation of payday lenders and deferred deposit agreements in the State.

Your Committee received testimony in support of this measure from the Dollar Financial Group and Ohana Holdings, LLC. Your Committee received testimony in opposition to this measure from Maui Loan, Inc. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Hawaii Financial Services Association, and two individuals.

Your Committee finds that, according to findings released by the Hawaii Financial Health Pulse, sixty-nine percent of Hawaii residents are struggling financially. Fifty-four percent say their spending equals or exceeds their income, and more than a third do not have enough savings to cover three months of living expenses or have volatile incomes that vary from month to month. To cope with income volatility and Hawaii's high cost of living, about twenty percent of Hawaii residents use alternative financial services such as payday loans and check cashing services, which is significantly higher than the fifteen percent national level. Given the excessive fees and interest rates payday lenders are charging on these small dollar loans, many borrowers find themselves paying more in fees than they received in credit. Therefore, the intent of this measure is to provide regulation to an industry that for too long has gone unregulated and created a vicious cycle of dependency and debt among Hawaii's most vulnerable individuals and families.

Your Committee notes the concerns raised during the public hearing on this measure that this measure restricts a customer to no more than one outstanding deferred deposit transaction from all sources. In light of the improved regulatory framework this measure would establish, your Committee understands that deferred deposit transactions can offer an additional credit option or "bridge" to a customer that may urgently need it. For these reasons, your Committee finds that this restriction merits further consideration and examination by your Committee on Ways and Means.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2587 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 7. Noes, none. Excused, none.

SCRep. 2609 Commerce, Consumer Protection, and Health on S.B. No. 2277

The purpose and intent of this measure is to:

- (1) Allow an unlicensed mental health professional, working under the supervision of a licensed mental health professional, to provide mental health treatments or counseling services to minors without parental or legal guardian consent, knowledge, or participation;
- (2) Require a mental health professional to assist a minor with completing a non-disclosure notification form to send to covered entities, when appropriate; and
- (3) Require a covered entity, upon receiving a completed notification form, to maintain confidentiality of minor-initiated mental health treatment or counseling services.

Your Committee received testimony in support of this measure from the Department of Health, Hawai'i Psychological Association, Democratic Party of Hawai'i, Hawaii Youth Services Network, Mental Health America of Hawai'i, LGBT Caucus of the Democratic Party of Hawai'i, and twelve individuals. Your Committee received testimony in opposition to this measure from three individuals. Your Committee received comments on this measure from the Hawaii Medical Service Association.

Your Committee finds that the Department of Health convened a task force, pursuant to Act 13, Session Laws of Hawaii 2018, to address the concerns of minors seeking counseling on sexual orientation, gender identity, gender expressions, and related behaviors. The findings of the task force revealed that there was general agreement amongst task force members to amend existing law to increase access to adolescent mental health services.

Accordingly, this measure improves minors' access to mental health care by allowing unlicensed mental health professionals to provide minor-initiated mental health treatment or counseling services under the supervision of licensed mental health professionals and maintaining confidentiality of mental health treatment or counseling services when a minor initiates mental health services without parental or legal guardian consent, knowledge, or participation.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2277, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2277, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 2610 (Joint) Hawaiian Affairs and Government Operations on S.B. No. 2393

The purpose and intent of this measure is to:

- (1) Require that majority of the member of the Hawaiian Homes Commission be beneficiaries;
- (2) Create a separate director of the Department of Hawaiian Homes Lands position;
- (3) Allow the State to establish an inter-agency council to address the purposes of the Hawaiian Homes Commission Act;
- (4) Require the Department to conduct quarterly reports to beneficiaries;
- (5) Allow the Hawaiian Homes Commission to retain counsel other than the Attorney General to provide services to the Commission and beneficiaries; and
- (6) Require an annual report to the Legislature and beneficiaries that includes a full accounting of the Act 14, Special Session, Session Laws of Hawaii 1995, moneys.

Your Committees received testimony in support of this measure from one member of the Kaua'i County Council, one member of the Maui County Council, Sovereign Council of Hawaiian Homestead Association, Association of Hawaiians for Homestead Lands, Pana'ewa Hawaii Home Lands Community Association, Keaukaha Pana'ewa Farmers Association, and seventeen individuals. Your Committees received testimony in opposition to this measure from three individuals. Your Committees received comments on this measure from the Department of the Attorney General and Department of Hawaiian Home Lands.

Your Committees find that changes are needed to reduce any appearance of conflicting interests between the Department of Hawaiian Home Lands, Hawaiian Homes Commission, and Hawaiian home lands beneficiaries. This measure will make changes to improve the governance and accountability entrusted to the Department of Hawaiian Home Lands and Hawaiian Homes Commission to fulfill their duty toward the preservation of values, traditions, culture, and self-sufficiency for native Hawaiians.

Your Committees note that the Department of Hawaiian Home Lands creates many reports and is encouraged to create a searchable database to allow those reports to be more easily located. Your Committees also note that many state agencies have counsel other than the Attorney General so the Committees see no reason why the Department of Hawaiian Home Lands should not have independent counsel to represent the Department and beneficiaries.

Your Committees have amended this measure by:

- (1) Removing language regarding beneficiary consultation and making conforming amendments;
- (2) Inserting language requiring that five of the nine Hawaiian Homes Commission members be beneficiaries of the trust; provided that out of the five beneficiaries, three shall be beneficiaries that are on the waitlist for Hawaiian home lands at the time of their appointment and the other two shall be Department of Hawaiian Home Lands lessees;
- (3) Removing language creating a position for the Director of the Department of Hawaiian Homelands that is separate from that of the Chairperson of the Hawaiian Homes Commission and making conforming amendments;
- (4) Removing language regarding requiring the Department of Hawaiian Home Lands to provide certain annual and quarterly reports and making conforming amendments;
- (5) Incorporating proposed changes from Department of Attorney General authorizing the Governor to establish an inter-agency council;
- (6) Removing the current language regarding independent council and replacing it with language from S.B. No. 2391 (2020) also regarding independent council;
- (7) Inserting language that requires the Legislative Reference Bureau to conduct a study on the implications of creating a position for the Director of the Department of Hawaiian Home Lands that is separate from the Chairperson of the Hawaiian Homes Commission and requires the Legislative Reference Bureau to report its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the 2021 Regular Session; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2393, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2393, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Hawaiian Affairs: Ayes, 5. Noes, none. Excused, none.

Government Operations: Ayes, 5. Noes, none. Excused, none.

SCRep. 2611 Human Services on S.B. No. 2119

The purpose and intent of this measure is to limit the circumstances under which children and minors at shelters may be placed in room confinement and specifies the conditions and time limits for which room confinement may be imposed.

Your Committee received testimony in support of this measure from the Hawaii State Judiciary, Office of the Public Defender, American Association of University Women of Hawaii, and one individual.

Your Committee finds that over the past decade, Hawaii's juvenile justice system has undergone a major philosophical shift from practices that exert control over youth through punishment toward evidence-based and trauma responsive approaches for holding youth accountable for conduct.

Your Committee notes that facilities that rely on room confinement to control youth must also change their approach. Research and experience establish that any perceived brief benefits of room confinement obscure the fact that room confinement is not an effective deterrent for misbehavior and that long periods of isolation have negative consequences for youth.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2119 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Rhoads, Fevella).

SCRep. 2612 Human Services on S.B. No. 3123

The purpose and intent of this measure is to develop and implement a statewide silver alert program to be activated on behalf of missing older adults with conditions such as Alzheimer's or dementia, to be integrated with the MAILE/AMBER alert program.

Your Committee received testimony in support of this measure from the Executive Office on Aging; Stolen Stuff Hawaii; AARP Hawaii; Alzheimer's Association, Aloha Chapter; and sixty-nine individuals. Your Committee received testimony in opposition to this measure from the Attorney General's Office and City and County of Honolulu Police Department.

Your Committee finds that there are senior citizens who are very vulnerable when they become disoriented and wander from their surroundings due to dementia, Alzheimer's disease, traumatic brain injury, or some other medical condition. The MAILE/AMBER Alert program has been effective in alerting the public of a missing child, and a Silver Alert program will similarly provide an operative means of alerting the public of a missing senior citizen.

However, your Committee has heard the concerns of the Department of the Attorney General that the measure was vague because there were no definitions for the terms "family" and "impaired mental condition".

Accordingly, your Committee has amended this measure by:

- (1) Specifying that notification of a missing senior does not have to be reported by a family member or a legal guardian to be considered credible by law enforcement;
- (2) Eliminating the provision to establish that the senior citizen has impaired mental condition;
- (3) Replacing the term "impaired mental condition" with "dementia";
- (4) Adding a definition for "dementia"; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3123, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3123, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Rhoads, Fevella).

SCRep. 2613 Human Services on S.B. No. 2846

The purpose and intent of this measure is to remove the statute of limitations for sex trafficking offenses.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Hawai'i State Commission on the Status of Women, Honolulu Police Department, IMU Alliance, and two individuals.

Your Committee finds that there is no statute of limitations for sexual assault of a minor, yet sex trafficking of a minor cannot be prosecuted after six years. Your Committee also finds that there is no statute of limitation for sexual assault of an adult by strong compulsion, but sex trafficking of an adult by forcing the person to engage in prostitution cannot be prosecuted after six years.

Your Committee notes that federal trafficking law, section 1591 of Title 18 of the United States Code, criminalizing sex trafficking by force, fraud, coercion, or sex trafficking of a minor, does not have a statute of limitation. Your Committee recognizes that by removing the statute of limitations, this allows the victims time to receive trauma counseling or services to develop the strength and courage to understand and address the trauma of their abuse with a person of authority.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2846 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Rhoads, Fevella).

SCRep. 2614 Human Services on S.B. No. 2118

The purpose and intent of this measure is to allow parties in child custody appeals to request that their appeal be transferred from the Intermediate Court of Appeals directly to the Supreme Court, except in cases brought under the Child Protective Act.

Your Committee received testimony in support of this measure from the Hawaii State Judiciary and Hawaii State Bar Association Appellate Section.

Your Committee finds that the mission of family court is to provide a fair, speedy, economical, and accessible forum for the resolution of matters involving families and children. This measure does not include appeals from family court matters involving the termination of parental rights because the Supreme Court already has an expedited process in place for those cases.

Your Committee also finds that in other child custody matters, litigants presently are required to wait until the Intermediate Court of Appeals (ICA) issues a decision and then file an application for certiorari with the Supreme Court. This measure would allow the Judiciary to offer litigants in child custody appeals the opportunity for expedited resolution by bypassing the ICA and applying for transfer to the Supreme Court.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2118 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Rhoads, Fevella).

SCRep. 2615 (Joint) Hawaiian Affairs and Water and Land on S.B. No. 2192

The purpose and intent of this measure is to:

- (1) Prohibit council, board, and commission members from serving if the member has not completed, within the requisite time, the required training course related to native Hawaiian and Hawaiian traditional and customary rights, native Hawaiian and Hawaiian natural resource protection and access rights, and the public trust, including the State's trust responsibility; and
- (2) Require that at least four members of the Board of Land and Natural Resources and of the State Land Use Commission be appointed from a list submitted by the Office of Hawaiian Affairs.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs; Democratic Party of Hawaii, Hawaiian Affairs Caucus; and nineteen individuals. Your Committees received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies.

Your Committees find that in Act 169, Session Laws of Hawaii 2015, the Legislature found that pursuant to Hawaii's constitution, statutes, and case law, the State recognizes a mandate to protect native Hawaiian traditional and customary rights. Accordingly, Act 169 amended chapter 10, Hawaii Revised Statutes, to require the Office of Hawaiian Affairs to establish, design, and administer a training course on Hawaiian rights, the sources of these rights, and how the infringement of these rights affects the Hawaiian people, and further required new members of certain state councils, boards, and commissions to complete the training course within one year of their appointment.

Unfortunately, despite the regular provision of notice to board and commission administrators, a significant number of board and commission members subject to the mandatory training course continue to fail to comply with their training course completion responsibility. As a result, critical land use and resource management decision-making may continue to be less than fully informed on native Hawaiian concepts, practices, and rights. This measure places requirements on the completion of the training course, which will ensure greater recognition and incorporation of native Hawaiian knowledge, values, and rights in land use and resource management decision-making.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2192, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2192, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.
Hawaiian Affairs: Ayes, 4. Noes, none. Excused, 1 (Ihara).
Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2616 Commerce, Consumer Protection, and Health on S.B. No. 2352

The purpose and intent of this measure is to require and appropriate funds for the Department of Health to engage in a public awareness campaign on the safe haven law in the State.

Your Committee received testimony in support of this measure from the Hawaii Family Forum, Hawai'i Children's Action Network Speaks!, and four individuals. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that Hawaii has had a "safe haven law" since 2007. The law was intended to prevent newborn babies from being abandoned by allowing newborns to be left at a safe place, such as a hospital, fire station, or police station, or with emergency services personnel. Under the concept of "safe-surrender", the law focuses on the health and safety of the newborn rather than liability of the parent for abandonment. However, since the safe haven law's passage, it remains widely unknown and there is a very limited amount of public information to educate the public on the law.

Your Committee has amended this measure by inserting a blank appropriation amount for the Department of Health to engage in a public awareness campaign on the safe haven law in the State.

To assist the Committee on Ways and Means with its deliberation on this measure, your Committee notes that the public awareness campaign on the safe haven law proposed by this measure would require an appropriation of \$20,000.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2352, as amended herein, and recommends

that it pass Second Reading in the form attached hereto as S.B. No. 2352, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Wakai).

SCRep. 2617 Commerce, Consumer Protection, and Health on S.B. No. 2227

The purpose and intent of this measure is to:

- (1) Require that e-liquid and electronic smoking devices be included within the definition of “tobacco products”, as used in the cigarette tax and tobacco tax law;
- (2) Increase the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products;
- (3) Increase the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products;
- (4) Allocate a portion of funds collected on excise taxes on tobacco products to fund health education, prevention, and nicotine cessation programs for youth regarding the risks and dangers of the use of electronic smoking devices; and
- (5) Repeal certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices.

Your Committee received testimony in support of this measure from the Department of Taxation; University of Hawai‘i System; University of Hawaii Student Health Advisory Council; American Heart Association; American Cancer Society Cancer Action Network; Hawai‘i Public Health Institute; Hawaii Dental Hygienists’ Association; Hawai‘i Primary Care Association; American Academy of Pediatrics, Hawaii Chapter; Hawai‘i Pacific Health; West Hawaii Community Health Center; Hui No Ke Ola Pono; Hawaii Youth Services Network; The Friends of Kamalani and Lydgate Park; Kapi‘olani Smokefree Families; Hawaii State Teachers Association; and numerous individuals. Your Committee received testimony in opposition to this measure from the Hawaii Smokers Alliance; Tobacco King, LLC; VOLCANO Fine Electronic Cigarettes; and forty-five individuals. Your Committee received comments on this measure from the Department of the Attorney General, Tax Foundation of Hawaii, and one individual.

Your Committee finds that the use of electronic smoking devices has been increasing exponentially and that electronic cigarette use is especially popular among youth in Hawaii. While young people’s use of electronic cigarettes has risen nationally, use in Hawaii by young people is even higher.

Your Committee further finds that the rapid growth of the electronic smoking device industry, including retail businesses selling electronic smoking devices or e-liquids, necessitates further regulation to protect consumers, such as creating policy parity between the sale of electronic cigarettes and the sale of traditional cigarettes through tobacco taxation and allocating resources for health education for youth about the risks and dangers of using electronic smoking devices.

Your Committee has amended this measure by:

- (1) Replacing the term “e-smoking device” with “electronic smoking device” to create uniformity with existing state law;
- (2) Inserting an effective date of September 1, 2020; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2227, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2227, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Ruderman, Thielen).

SCRep. 2618 Commerce, Consumer Protection, and Health on S.B. No. 2033

The purpose and intent of this measure is to:

- (1) Establish a different process for the confinement of a defendant charged with a misdemeanor or petty misdemeanor not involving violence or attempted violence who is unfit to proceed from the existing process of confining a defendant charged with a felony, who is also unfit to proceed; and
- (2) Amend the requirements, as appropriate, for fitness determination hearings, court-appointed examiners, examination reports, treatment, hospitalization, and confinement.

Your Committee received testimony in support of this measure from the Maui Police Department and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, Department of the Prosecuting Attorney of the City and County of Honolulu, and Hawai‘i Psychological Association. Your Committee received comments on this measure from the Judiciary, Department of the Attorney General, Department of Health, and Hawaii Disability Rights Center.

Your Committee finds that the issue of mental health has resulted in the incarceration of numerous non-violent individuals charged with low-level and petty misdemeanors within the state prison facilities. As a result, these individuals in need of mental health treatment reside in these facilities without receiving mental health services. This measure would enable an individual an opportunity to be turned over to the custody of the Director of Health and placed in an institution for detention, assessment, care, and treatment, allowing for a mental health clinical team to adequately focus on the proper treatment plan for the individual.

To assist the Committee on Judiciary with its deliberation on this measure, your Committee notes the comments and concerns raised by the Hawai'i Psychological Association regarding the two-day time period for a final opinion on fitness to proceed and need to hire additional examiners to perform screenings.

Your Committee has amended this measure by:

- (1) Clarifying that, under certain conditions, the court may suspend the proceedings, order the defendant to be transferred to the custody of the Director of Health and placed in an appropriate institution for further examination and assessment for up to seven days, and dismiss the charges with or without prejudice;
- (2) Replacing the term "appropriate institution" with "hospital or other suitable facility" for consistency and to allow for flexibility of placement of patients;
- (3) Clarifying the language regarding court appointed examiners to be consistent with section 704-404, Hawaii Revised Statutes;
- (4) Deleting language that would have required an opinion from the examiners on fitness to proceed for reports submitted for the issues of discharge, conditional release, and discharge from conditional release; and
- (5) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2033, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2033, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Wakai).

SCRep. 2619 Commerce, Consumer Protection, and Health on S.B. No. 2408

The purpose and intent of this measure is to require that at least three members of the State Council on Mental Health have demonstrated knowledge of or work experience involving native Hawaiian concepts of well-being, culturally-grounded mental health methodologies, or traditional healing or health practices.

Your Committee received testimony in support of this measure from the Department of Health and Hawai'i Psychological Association.

Your Committee finds that native Hawaiians experience distinct health disparities that pervade their day-to-day well-being and hinder their overall health. These mental health disparities, tragically, start in the early years of life and persist through adulthood. Unfortunately, native Hawaiians tend to underutilize existing mental health services, seek therapy only after their illness has become severe, or leave treatment prematurely.

Your Committee further finds that the State Council on Mental Health is responsible for advising, reviewing, and evaluating the allocation and adequacy of mental health resources and services in the State. Accordingly, requiring the State Council on Mental Health to include members with knowledge of or work experience involving native Hawaiian concepts of well-being, culturally-grounded mental health methodologies, or traditional healing or health practices will help to systemically advance culturally responsive policies and programs that may be critical to addressing the dire mental health needs of Hawaii's native Hawaiian and Pacific Islander communities.

Your Committee has amended this measure by:

- (1) Inserting an unspecified amount for the number of members of the State Council on Mental Health that demonstrate knowledge of or work experience involving native Hawaiian concepts of well-being, culturally-grounded mental health methodologies, or traditional healing or health practices; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2408, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2408, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 7. Noes, none. Excused, none.

SCRep. 2620 (Joint) Public Safety, Intergovernmental, and Military Affairs and Commerce, Consumer Protection, and Health on S.B. No. 2136

The purpose and intent of this measure is to require the sellers of residential real property to provide smoke alarms in the building.

Your Committees received testimony in support of this measure from the Hawaii State Fire Council, Honolulu Fire Department, Maui Fire Department, Hawai'i Fire Department, Kaua'i Fire Department, and two individuals.

Your Committees find that smoke alarms are vital in reducing deaths and injury caused by fire and are an essential part of any home escape plan during a fire. The current building code requires new or renovated homes to have smoke alarms in and outside of every bedroom and on every level. Your Committees further find that current smoke alarms are more technologically advanced to respond to a multitude of fire conditions and come with ten-year batteries. This measure will ensure the safety of residents by requiring sellers of residential real property to provide smoke alarms in the dwelling.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2136 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Thielen, Wakai, Fevella).

SCRep. 2621 (Joint) Public Safety, Intergovernmental, and Military Affairs and Commerce, Consumer Protection, and Health on S.B. No. 2916

The purpose and intent of this measure is to update the state Uniform Controlled Substances Act to make it consistent with the federal Controlled Substances Act.

Your Committees received testimony in support of this measure from the Department of Public Safety. Your Committees received comments on this measure from the Akamai Cannabis Clinic.

Your Committees find that existing law mandates that the Department of Public Safety report to the Legislature prior to the convening of each regular session regarding any additions, deletions, or revisions to the schedule of substances in the Uniform Controlled Substances Act. This measure will conform Hawaii's law with federal law by expanding schedule I of the Uniform Controlled Substances Act and avoid nullification of certain controlled substances that were temporarily designated as schedule I substances by the Department of Public Safety, but were subsequently made permanent by federal law in 2019.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2916, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2916, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Thielen, Wakai, Fevella).

SCRep. 2622 (Joint) Public Safety, Intergovernmental, and Military Affairs and Commerce, Consumer Protection, and Health on S.B. No. 2919

The purpose and intent of this measure is to require that the dispensing of a pharmacist-prescribed opioid antagonist be reported to the State's electronic prescription accountability system.

Your Committees received testimony in support of this measure from the Department of Public Safety, Department of Health, and Hawaii Opioid Initiative Workgroup 5: Pharmacy Based Interventions. Your Committees received comments on this measure from the Board of Pharmacy.

Your Committees find that the Legislature passed Act 255, Session Laws of Hawaii 2019, which allows pharmacists to issue prescriptions for opioid antagonists, thereby increasing access to lifesaving drugs. Your Committees further find that the electronic prescription accountability system, commonly known as the prescription drug monitoring system or PDMP, is a useful tool to reduce the risk of substance abuse and addiction and helps prevent unintended drug interactions. Your Committees also find that efforts to track dispensing and distribution of opioid antagonists are decentralized. This measure would centralize efforts by requiring pharmacists to report opioid antagonist prescriptions to the PDMP using procedures that are very familiar to them, thereby improving efficiency for reporting opioid antagonist prescriptions and also allowing for additional data in preventing opioid overdose.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2919, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2919, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Wakai, Fevella).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Thielen, Wakai, Fevella).

SCRep. 2623 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 3000

The purpose and intent of this measure is to include telecommunications dispatcher and related personnel engaged in emergency dispatching services in the definition of "emergency worker" for purposes of the penal code.

Your Committee received testimony in support of this measure from the Office of Homeland Security, Maui Police Department, Hawaii Government Employees Association, American Medical Response, Stolen Stuff Hawaii, and two hundred thirty-nine individuals.

Your Committee finds that telecommunications dispatchers play a vital role in the partnership with their in-the-field first responder colleagues, including police, firefighters, emergency medical services, and other public safety personnel. Your Committee further finds that these telecommunications dispatchers often face situations where an individual is injured or in great amount of distress, harm, or fear. Each telecommunications dispatcher must fulfill skills learned during extensive training to calm a situation with a distressed

individual, all while collecting necessary information to relay to first responders. Your Committee finds that telecommunications dispatchers are currently classified as an office and administrative support occupation, thereby prohibiting any telecommunications dispatcher from being hired at a level of pay and benefits commensurate with their level of training and expertise. This measure will recognize the importance of telecommunications dispatchers by considering the dispatchers as emergency workers.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3000 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Harimoto).

SCRep. 2624 (Joint) Human Services and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2469

The purpose and intent of this measure is to appropriate funds for the Department of Human Services to purchase, staff, and operate two mobile clinics to serve homeless individuals, provided that one of the mobile clinics is allocated to the county with the largest land mass.

Your Committees received testimony in support of this measure from the Governor's Coordinator on Homelessness, Hawaii Primary Care Association, a member of the Hawai'i County Council, Democratic Party of Hawai'i, Hawai'i Psychological Association, and one individual. Your Committees received comments on this measure from the Department of Human Services.

Your Committees find that homelessness continues to be one of the State's most urgent and challenging social problems. Homeless persons face a myriad of issues, including general health issues, mental illness, and substance abuse. Your Committees further find that mobile clinics are increasing in popularity across the nation as government entities find ways to address the health care needs of the homeless population. Mobile clinics offer a variety of free healthcare services for local homeless populations, saving significant costs on emergency room visits and have the potential to similarly provide timely, non-emergency medical care to homeless individuals in Hawaii. The State can help address many homeless individuals' illnesses before they become severe by making basic preventative and primary health care services more accessible on a mobile outreach basis. Your Committees learned through testimony that currently there are nonprofit organizations that provide similar services.

Therefore, your Committees have amended this measure by:

- (1) Authorizing the Department of Human Services to contract with nonprofit medical service providers; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2469, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2469, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 4. Noes, none. Excused, 1 (Ihara).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

SCRep. 2625 Agriculture and Environment on S.B. No. 3038

The purpose and intent of this measure is to establish a state income tax exemption for taro production.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Pono Hawai'i Initiative, Hawai'i SEED, Ho'oulu 'Aina Farms, Kalona Brand Company LLC, Hawai'i Farm Bureau, and twenty-nine individuals. Your Committee received comments on this measure from the Department of Taxation and Department of Agriculture.

Your Committee finds that it is of critical importance to protect and perpetuate the traditional practice of taro farming as part of Hawaii's cultural identity and its role in local food security. Loi kalo, or wetland taro systems, are recognized for their potential to mitigate impacts of climate change by functioning as riparian buffers and soil capture basins. Also, underground foods, such as taro, can often survive hurricane or flood events and be harvested to address immediate food shortages where the capacity to store and cook food can be retained. Your Committee finds that this measure creates stronger economic incentives for new taro farmers, improves the livelihoods of existing taro farmers, and reduces the cost of poi for local families by exempting taro production from state income taxes.

Your Committee has amended this measure by:

- (1) Establishing the income tax exclusion for taro production as a new section in the Hawaii Revised Statutes, rather than amending an existing statute;
- (2) Clarifying that the exclusion shall not apply if at any time during the year the total amount of land for locally grown taro in the State surpasses thirty thousand acres, as determined by the Department of Land and Natural Resources; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3038, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3038, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Rhoads, Fevella).

SCRep. 2626 Agriculture and Environment on S.B. No. 2051

The purpose and intent of this measure is to:

- (1) Increase the maximum civil penalty for littering from \$500 to \$1,000; and
- (2) Increase the maximum fine for the offense of criminal littering from \$1,000 to \$5,000.

Your Committee received testimony in support of this measure from Surfrider Oahu and three individuals.

Your Committee finds that littering is costly, portrays a negative picture of an area, and is dangerous to the environment. Litter can cause physical harm and injury, especially needles, broken glass, highway debris, and improperly disposed of cigarette butts that may spark fires. Littering can also contribute to the spread of disease and pollute the environment as toxic chemicals leach into waterways and soils; furthermore, litter can kill wildlife. Your Committee finds that littering fines must be increased to reflect the seriousness of the offense and demonstrate the State's commitment to protecting the natural environment.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2051 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Rhoads, Fevella).

SCRep. 2627 Agriculture and Environment on S.B. No. 3144

The purpose and intent of this measure is to require the Office of Solid Waste Management to establish a recycling facility grant program.

Your Committee received testimony in support of this measure from the Department of Health, Surfrider Oahu, EcoTipping Points Project, Our Revolution Hawaii, Pono Hawai'i Initiative, and four individuals. Your Committee received comments on this measure from Department of the Attorney General and Maui Chamber of Commerce.

Your Committee finds that investment in local recycling facilities is immediately necessary to lessen the human impact on Hawaii's natural environment and mitigate the effects of the climate crisis. Landfill capacity is rapidly decreasing, even after creating mitigation measures like exportation and incineration. This measure incentivizes the development of new recycling, bioconversion, or composting businesses within the State of Hawaii.

Your Committee has amended this measure by:

- (1) Placing the recycling facility grant program into the Hawaii Revised Statutes, rather than the Session Laws of Hawaii;
- (2) Inserting grant standards;
- (3) Appropriating an unspecified amount of funds into and out of the environmental management special fund;
- (4) Authorizing the appropriation out of the environmental management special fund for implementation of the recycling facility grant program and one full-time contract specialist position; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3144, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3144, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Rhoads, Fevella).

SCRep. 2628 Agriculture and Environment on S.B. No. 3129

The purpose and intent of this measure is to require the Department of Health to convene a construction waste reuse and recycling working group to determine how to implement a requirement for the reuse, recycling, or donation of construction waste.

Your Committee received testimony in support of this measure from the Office of Economic Development of the County of Kauai, Office of Economic Development of the County of Maui, Department of Environmental Services of the City and County of Honolulu, EcoTipping Points Project, Building Industry Association Hawaii, Surfrider Oahu, Re-use Hawai'i, Zero Waste Big Island, International Code Council, Chamber of Commerce Hawaii, and three individuals. Your Committee received comments on this measure from the Department of Health; PVT Land Company, Ltd.; and one individual.

Your Committee finds that sustainable construction practices reduce the collective environmental impacts of the construction process, production of building materials, and operation and maintenance of the building throughout its lifespan. Sustainable practices emphasize the preservation of natural resources and the efficient use of construction materials. Thus, your Committee finds that the Department of Health should convene a construction waste reuse and recycling working group to develop recommendations on how to implement a requirement for the reuse, recycling, or donation of construction waste.

Your Committee has amended this measure by:

- (1) Inserting an appropriation of \$75,000 for fiscal year 2020-2021 for the construction waste reuse and recycling working group; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3129, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3129, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Rhoads, Fevella).

SCRep. 2629 Agriculture and Environment on S.B. No. 3090

The purpose and intent of this measure is to establish an agricultural production tax credit.

Your Committee received testimony in support of this measure from the Hawaii Food Industry Association; Pono Hawai'i Initiative; Ponoholo Ranch Limited; Kalona Brand Company LLC; North Shore Economic Vitality Partnership; Hawai'i Farm Bureau, Hawaii Cattlemen's Council, Inc.; and three individuals. Your Committee received comments on this measure from the Department of Taxation, Department of Agriculture,

Your Committee finds that the State has a goal to double local food production by 2030. While the State currently imports eighty-five to ninety percent of its food, fuel, and fiber, agriculture was once Hawaii's number one industry, creating agricultural abundance, peace, and prosperity for its people. This measure will help Hawaii to become a world leader in food security, self-sufficiency, and sustainability by providing incentives for agricultural production.

Your Committee has heard the testimony of the Department of Taxation expressing concerns that "qualified taxpayer" and "qualified expenses" should be defined to specify who, and what expenses, qualify for the tax credit. Your Committee finds that this issue raises concerns that merit further consideration and requests that your Committee on Ways and Means further examine those issues and concerns raised by the testifiers on this measure.

Your Committee has amended this measure by making it applicable to taxable years beginning after December 31, 2020.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3090, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3090, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Rhoads, Fevella).

SCRep. 2630 Agriculture and Environment on S.B. No. 2775

The purpose and intent of this measure is to require the Fuel Tank Advisory Committee to meet biannually, within the same calendar year and at least six months apart.

Your Committee received testimony in support of this measure from the Department of Health, City and County of Honolulu Board of Water Supply, and four individuals. Your Committee received comments on this measure from the United States Department of the Navy Commander Navy Region Hawaii and Chamber of Commerce Hawaii.

Your Committee finds that protecting the environment and underground sources of drinking water is in the best interest of public health and safety and required under article XI, section 7, of the state constitution. To that effect, the State established the Fuel Tank Advisory Committee in 2016 to study issues related to leaks of certain fuel storage tanks throughout the State, specifically issues surrounding leaks at the United States Department of the Navy's Red Hill Bulk Fuel Storage Facility. Your Committee further finds that the Fuel Tank Advisory Committee was intended to create an opportunity for members of the public to be informed and ask questions. This measure ensures that the Fuel Tank Advisory Committee meets regularly in an open forum to address the public's groundwater contamination concerns.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2775 and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Rhoads, Fevella).

SCRep. 2631 (Joint) Agriculture and Environment and Commerce, Consumer Protection, and Health on S.B. No. 2301

The purpose and intent of this measure is to establish a cigarette litter abatement fee to be imposed on each cigarette sold in the State, the proceeds of which to be deposited into a cigarette litter abatement special fund to be used to cover the costs of collecting and removing cigarette litter and providing outreach and education to curb improper cigarette litter disposal.

Your Committees received testimony in support of this measure from the Hawai'i Public Health Institute, Island Divers, and eleven individuals. Your Committees received testimony in opposition to this measure from the Hawaii Smokers Alliance and four individuals. Your Committees received comments on this measure from the Department of Budget and Finance, Department of Taxation, Department of Health, and Tax Foundation of Hawaii.

Your Committees find that cigarettes are the most littered item on earth, scattered along green spaces, sidewalks, roadsides, beaches, and waterways. Littered cigarette butts leach toxic chemicals, such as arsenic and lead, into the environment and can contaminate water and poison fish and animals that eat cigarette butts. Cigarette filters are made of plastic fibers called cellulose acetate that are not bio-degradable and may take up to five years to decompose. Your Committees also find that cleaning up cigarette butt litter is expensive, costing cities between \$3,000,000 and \$16,000,000 annually. This measure requires cigarette sellers to defray the costs of litter clean-up.

Your Committees have heard the testimony of the Department of Health suggesting that this measure be amended to reestablish positions in the defunct Litter Control Office and allow moneys from the fund to be expended on these positions. Your Committees find that this suggestion raises concerns that merit further consideration and requests that your Committee on Ways and Means further examine whether Litter Control Office positions should be reestablished.

Your Committees have amended this measure by:

- (1) Replacing the cigarette litter abatement fee with a cigarette litter abatement excise tax to be deposited into the cigarette litter abatement special fund;
- (2) Making the tax effective beginning July 1, 2021;
- (3) Appropriating general funds into the cigarette litter abatement special fund; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2301, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2301, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2632 (Joint) Agriculture and Environment and Commerce, Consumer Protection, and Health on S.B. No. 2503

The purpose and intent of this measure is to establish the time of transfer individual wastewater system inspection program to oversee the inspection and repair of any individual wastewater system at the time of the property's sale or transfer.

Your Committees received testimony in support of this measure from the Department of Health, Hawai'i Reef and Ocean Coalition, Wastewater Alternatives and Innovations, and two individuals.

Your Committees find that the Department of Health and Department of Business, Economic Development, and Tourism receive approximately \$1,100,000 in annual federal grants through the Coastal Zone Act Reauthorization Amendments, contingent on the State taking measures to address and minimize polluted runoff, including runoff from on-site sewage facilities. This measure satisfies federal requirements by minimizing the polluted runoff created by failing individual wastewater systems in the State by establishing a program to oversee their inspection and repair of individual wastewater systems at the time of an attached property's transfer or sale.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2503 and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2633 (Joint) Agriculture and Environment and Water and Land on S.B. No. 2367

The purpose and intent of this measure is to appropriate funds to the Department of Land and Natural Resources' Division of Forestry and Wildlife, Maui Branch, for invasive species technician positions in east Maui to address invasive plants and animals.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Department of Agriculture, one member of the Maui County Council, Hawai'i Farm Bureau, Maui Chamber of Commerce, and one individual.

Your Committees find that the invasion of Hawaii by insects, disease-bearing organisms, snakes, weeds, and other pests is the single greatest threat to the State's economy and natural environment and to the health and lifestyle of the people of Hawaii. Your Committees recognize the efforts made by the Department of Land and Natural Resources' Division of Forestry and Wildlife, Maui branch, and the Maui Invasive Species Committee to control high-threat invasive species throughout Maui county, especially efforts in east Maui to control miconia, a fast-growing weedy tree that can increase erosion and landslides due to its shallow root system.

Your Committees further find that this measure is an appropriate vehicle in which to insert two additional appropriations for efforts to substantially reduce and eradicate certain invasive species and properly manage the axis deer population in Maui County.

Accordingly, your Committees have amended this measure by:

- (1) Inserting an appropriation of \$2,000,000 for fiscal year 2020-2021 for efforts to substantially reduce and eradicate invasive species in the County of Maui;
- (2) Inserting an appropriation of \$3,500,000 for fiscal 2020-2021 for activities relating to the proper management, but not eradication, of the axis deer population in Maui County;
- (3) Amending Section 1 to reflect its amended purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2367, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2367, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2634 (Joint) Agriculture and Environment and Water and Land on S.B. No. 2060

The purpose and intent of this measure is to amend coastal zone management laws to further protect against impacts of sea level rise and coastal erosion.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Climate Change Mitigation and Adaptation Commission, Office of Planning, Sierra Club of Hawai'i, Surfrider Oahu, Hawaii Youth Climate Coalition, and two individuals.

Your Committees find that the Hawaii Sea Level Rise Vulnerability and Adaptation Report, accepted in 2017 by the Hawaii Climate Change Mitigation and Adaptation Commission, finds that with just 1.1 feet of sea level rise, many more miles of beach could be lost to erosion if widespread shoreline armoring is allowed. Based on its findings, the report recommends enabling beaches to persist with sea level rise and suggests integrating sea level rise considerations into Hawaii's laws regarding coastal zone management. Your Committees further find that the convergence of dense development along shorelines, increasing landward migration of shoreline due to sea level rise and other human and natural impacts, and extensive beach loss fronting shoreline armoring necessitates revision of existing policies and regulations. Revision of these existing policies and regulations would protect beaches and other coastal environments from further degradation and reduce the exposure of shorefront communities to increasing erosion and flooding hazards caused by sea level rise. This measure aims to strengthen coastal zone management policy to protect state beaches and to reduce residential exposure to coastal hazards.

Your Committees have amended this measure by:

- (1) Clarifying that a variance may be granted to private facilities or improvements that may artificially fix the shoreline; provided that the authority may consider hardship to the applicant if the facilities or improvements are not allowed within the shoreline area; and provided further that a variance to artificially fix the shoreline shall not be granted in areas with sand beaches or where artificially fixing the shoreline may interfere with existing recreational and waterline activities;
- (2) Requiring the Climate Change Mitigation and Adaptation Commission to submit a proposal for a State of Hawaii supplemental insurance program for properties within the State subject to climate change impacts to the Legislature prior to the Regular Session of 2021; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2060, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2060, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2635 (Joint) Agriculture and Environment and Water and Land on S.B. No. 2532

The purpose and intent of this measure is to establish a class of artisan-scale composting operations exempt from Department of Health regulations to divert organic materials from Hawaii's landfills.

Your Committees received testimony in support of this measure from the Hawaii Youth Climate Coalition; Zero Waste Kauai; Stellar Gardens LLC; Seeger Institute at Eden Farms Hawaii; A'a Li'i Farm; Zero Waste Big Island; OrganicHawaii.org; Aina Design; Pele Lani Farm LLC; Environmental Caucus of the Democratic Party of Hawai'i; Cultivar Goods; Surfrider Foundation of Hawaii; We Are One, Inc.; Recycle Hawai'i; Zero Waste O'ahu; and sixty-seven individuals. Your Committees received testimony in opposition to this measure from the Department of Health. Your Committees received comments on this measure from one individual.

Your Committees find that as evidence mounts that the planet's survival depends on transitioning away from carbon-based fuels, a greater understanding of the relationship between human activities and the earth's natural systems points to the additional need for an equally ambitious effort to remove carbon from the atmosphere by increasing the carbon sequestration capacity of earth's soils. The use of composted organics with their vast stores of macro- and micro- nutrients greatly improves the health of all soils in ways that protect and enhance natural systems, while imported, petroleum-based, and energy-intensive fertilizers destabilize a healthy soil microbiome.

Your Committees further find that organics constitute the largest single component of Hawai'i's waste stream and the diversion of waste organics into composting programs is the least costly and most direct method for the State to meet its solid waste reduction goals. This measure proposes to create a class of artisan-scale composting operations that are exempt from Department of Health regulations and easily established by farmers and others as a means to divert organic materials from Hawaii's landfills and sequester atmospheric carbon.

Your Committees have amended this measure by:

- (1) Clarifying the definition of "artisan scale" to mean a composting operation that accepts, measured on a monthly average, no more than one cubic yard of non-pathogenic organic materials, at a site controlled and owned by the waste generator with the finished compost applied and controlled by the same waste generator;
- (2) Adding the Green New Deal to section 1; and

- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2532, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2532, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2636 (Joint) Agriculture and Environment and Water and Land on S.B. No. 2501

The purpose and intent of this measure is to:

- (1) Prohibit any permits to be issued for the discharge of pollution in certain instances;
- (2) Allow the Director of Health to grant a variance pursuant to chapter 342D, relating to water pollution; and
- (3) Provide that in all variance proceedings the burden of proof is on the applicant.

Your Committees received testimony in support of this measure from the Kaneohe Bay Foundation. Your Committees received testimony in opposition to this measure from the Department of Health.

Your Committees find that Hawaii's ocean water are precious resources and that all practicable efforts should be taken to preserve their natural pristine state. Your Committees further find that the Department of Health and the United States Environmental Protection Agency enforce regulations regarding water pollution and water quality standards. This measure, although well intended, as proposed unfortunately places burdens on the Hawaii Department of Health that may be in conflict with federal law or otherwise negatively affect the agency. Your Committees have been notified that after much discussion, the Kaneohe Bay Foundation and Department of Health have compromised and agree to support an amended version of this measure.

Accordingly, your Committees have amended this measure by:

- (1) Amending the definition of "variance" for purposes of the water pollution statutes to no longer allow the issuance of a special written authorization from the Director of Health to cause or discharge waste or water pollution in an amount in excess of applicable standards;
- (2) Specifying that no permit shall be issued for continuing discharge of point source pollution into highest quality waters, except for temporary construction;
- (3) Clarifying that in all variance proceedings, the burden of proving entitlement to a variance shall be on the applicant; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2501, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2501, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Judiciary.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2637 (Joint) Agriculture and Environment and Water and Land on S.B. No. 2548

The purpose and intent of this measure is to appropriate funds to the Department of Land and Natural Resources Division of Boating and Ocean Recreation to create and implement a marine debris recycling pilot project.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Food Industry Association, Sustainable Swim, Water Inspired Conservation Group, and seven individuals. Your Committees received comments on this measure from the Beach Environmental Awareness Campaign Hawai'i and one individual.

Your Committees find that marine debris, such as derelict fishing gear including nets, lines, and ropes, is often discarded into the ocean either with intent or negligence. This debris is a pollutant to the environment and efforts to dispose of it properly should be a priority. Your Committees further find that the Department of Land and Natural Resources Division of Boating and Ocean Recreation should partner with owners, lessees, crews, or other occupants of vessels, to establish a program in which crews aboard those vessels would gather marine debris and transfer it to a marine debris collection center.

Your Committees also find that this measure is an appropriate vehicle in which to insert an appropriation to the University of Hawaii Water Resources Research Center to research and develop specialized equipment for effectively and efficiently removing plastic marine debris, as intended in S.B. No. 3125, Regular Session of 2020.

Your Committees have amended this measure by:

- (1) Replacing the term "marine debris recycling center" with "marine debris collection center";
- (2) Inserting an appropriation of \$200,000 for FY 2020-2021 for the University of Hawaii Water Resources Research Center to research and develop specialized equipment for effectively and efficiently removing plastic marine debris from beaches and shorelines and allowing them to contract with other entities as needed; and

- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2548, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2548, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2638 (Joint) Agriculture and Environment and Water and Land on S.B. No. 3052

The purpose and intent of this measure is to regulate commercial shark boat tour operators, improve public safety, and increase protections of sharks within state waters.

Your Committees received testimony in support of this measure from Waialua Boat Club, Surfrider Oahu, and six individuals. Your Committees received testimony in opposition to this measure from One Ocean, Water Inspired Conservation Group, Mermaids for Change, One Ocean Diving, One Ocean Global, and twenty-six individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources, North Shore Shark Adventures, and one individual.

Your Committees find that commercial shark boat tours, which began in Hawaii nearly twenty years ago, are increasingly popular with visitors and residents. Shark boat tours may place customers in shark cages, or allow customers to observe and swim with sharks without a cage. Your Committees acknowledge that shark tours provide an opportunity to educate participants on shark species, their importance to the ecosystem and Hawaiian culture, as well as safety protocols for when encountering a shark in ocean waters. However, your Committees also believe that it is necessary to public safety to regulate commercial shark tours with appropriate codes of conduct and safety standards.

Your Committees have amended this measure by:

- (1) Amending section 1 to acknowledge caged and cageless shark boat tours in a neutral manner;
- (2) Allowing education for tour guides on shark biology and ecology be administered by the University of Hawaii's Hawaii Institute of Marine Biology or an equivalent program as determined by the Department of Land and Natural Resources;
- (3) Deleting the requirement that all operators use shark or diving cages for tours where people enter the water to view sharks unless the operator provides evidence of insurance coverage for cageless shark tours;
- (4) Replacing language that would have required operators to indicate whether their insurance covers caged or cageless shark tours with language that requires operators to provide evidence of insurance and to maintain coverage that clearly indemnifies the State against claims resulting from the shark tour boat operations;
- (5) Clarifying that no more than five pounds of bait or attractant per day may be used, in a manner approved by the Hawaii Institute of Marine Biology, and that no person shall be in the water when the bait or attractant is deployed;
- (6) Deleting language that would have prohibited using a mechanical apparatus, including but not limited to scooters, horns, or electronic shark protection devices;
- (7) Clarifying that commercial tour activity shall not operate in conditions with less than thirty feet of visibility;
- (8) Inserting language to require cageless operators to have additional best management practices, and specifying such practices;
- (9) Inserting an effective date of January 1, 2021; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3052, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3052, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2639 (Joint) Agriculture and Environment and Water and Land on S.B. No. 3099

The purpose and intent of this measure is to implement the recommendations of the Hawaii Sea Level Rise Vulnerability and Adaptation Report.

Your Committees received testimony in support of this measure from the Office of Planning, City and County of Honolulu Board of Water Supply, Hawaii Youth Climate Coalition, Surfrider Oahu, IMUAlliance, and three individuals. Your Committees received comments on this measure from the Department of Health, Office of Information Practices, Hawaii Climate Change Mitigation and Adaptation Commission, and Hawai'i Association of REALTORS®.

Your Committees find that climate change poses immediate and long-term threats to the State's economy, sustainability, security, and way of life. Your Committees further find that the Hawaii Climate Change Mitigation and Adaptation Commission submitted a Hawaii Sea Level Rise Vulnerability and Adaptation Report in December 2017. The Report made several recommendations to state

and county agencies based on emerging good practices to strengthen Hawaii's overall readiness to face sea level rise and climate change. This measure implements the recommendations of the Hawaii Sea Level Rise Vulnerability and Adaptation Report.

Your Committees have amended this measure by:

- (1) Clarifying that the Office of Planning in maintaining an inventory of lands suitable for development shall request the counties to identify, assess, and prioritize underutilized land within urban zoned areas that could be redeveloped in a manner that is resilient to sea level rise;
- (2) Exempting the Standing Committee on Sea Level Rise and Managed Retreat from part I of chapter 92, Hawaii Revised Statutes, relating to public agency meetings;
- (3) Requiring the Department of Health to submit interim progress reports to the Legislature prior to the Regular Sessions of 2021, 2022, and 2023, and a final report prior to the Regular Session of 2024;
- (4) Inserting an appropriation of \$750,000 for fiscal year 2020-2021 for the Department of Health to conduct a sea level rise mitigation review; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3099, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3099, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2640 (Joint) Agriculture and Environment and Water and Land on S.B. No. 3050

The purpose and intent of this measure is to:

- (1) Establish a habitat conservation program manager position within the Department of Land and Natural Resources and appropriate funds for the initial establishment of the position; and
- (2) Charge habitat conservation plan applicants an hourly fee for all assistance provided by the habitat conservation program manager, which shall be used to maintain the habitat conservation program manager position.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and one individual.

Your Committees find that human activities have contributed to the fragility of local habitats, leading to a current crisis in the survival of Hawaiian plants and animals and impacting public and private land use. Your Committees support efforts to promote recovery of Hawaii's threatened and endangered species and find that effective implementation of Hawaii's endangered species law, requires resources for adequate staffing. This measure provides funding for a habitat conservation program manager position to draft rules that implement and clarify Hawaii's endangered species law, work with applicants for incidental take licenses to develop their projects to minimize and mitigate incidental take of threatened and endangered species to the maximum extent practicable, and track and monitor funds and expenditures related to each habitat conservation plan project

Your Committees have amended this measure by:

- (1) Deleting duplicative language requiring the Department of Land and Natural Resources to charge all habitat conservation plan applicants an hourly rate of \$50 for all assistance provided to applicants by the habitat conservation program manager;
- (2) Amending Section 1 to reflect its amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3050, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3050, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2641 (Joint) Agriculture and Environment and Water and Land on S.B. No. 3135

The purpose and intent of this measure is to appropriate funds for the Hawaii Invasive Species Council to conduct an albizia prevention control pilot project in the Lulukū corridor of Kaneohe.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Hawai'i Farm Bureau, and one individual.

Your Committees find that albizia trees are an invasive species that are prone to breaking and falling during high winds and tropical storms. Fallen albizia trees caused power outages and other structural damage on the island of Hawaii during tropical storm Iselle in 2014. Albizia trees fell over highways, roads, and driveways in such large numbers during that storm that many people were left trapped in their homes and rescue personnel were prevented from reaching them or, in some cases, returning to their base of operations.

This measure seeks to protect the people, environment, and agriculture in Hawaii through the funding of an albizia prevention control pilot project in the Luluku corridor of Kaneohe.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3135 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2642 Commerce, Consumer Protection, and Health on S.B. No. 2585

The purpose and intent of this measure is to establish:

- (1) Yearly assessments for nondepository trusts beginning July 1, 2021;
- (2) Paid-in-capital and surplus requirements for nondepository trust companies; and
- (3) Powers and duties of nondepository trust companies.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs and one individual.

Your Committee finds that nondepository trust companies operate similarly to the trust department of a bank but do not take deposits or make loans. Nondepository trust companies can provide fiduciary oversight for consumers who do not have friends or family members to manage their assets, or whose assets do not qualify for asset management by banks or large investment firms. This measure establishes provisions concerning nondepository trust companies to help provide services to this “gap group” of consumers, as chartered nondepository trust companies would provide a safe and sound alternative for kupuna and other individuals unserved or underserved in the community.

Your Committee has amended this measure by:

- (1) Inserting the definition for “total assets under management” into chapter 412, article 8, Hawaii Revised Statutes, rather than article 1 of this chapter, and making conforming amendments; and
- (2) Clarifying the definition of “nondepository trust company” to mean a company that is not authorized to accept deposits.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2585, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2585, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 2643 Commerce, Consumer Protection, and Health on S.B. No. 2340

The purpose and intent of this measure is to establish and appropriate funds for an outreach program in the Department of Health to inform physicians and appropriate non-physician practitioners participating in Medicare that comprehensive care planning services for those with Alzheimer’s disease and related dementias is a covered benefit under Medicare.

Your Committee received testimony in support of this measure from the Hawai’i Psychological Association; Alzheimer’s Association, Aloha Chapter; and twelve individuals. Your Committee received comments on this measure from the Department of Health and Executive Office on Aging.

Your Committee finds that Alzheimer’s is the most expensive disease in America. In 2019, the direct costs to American society of caring for those with Alzheimer’s and other dementias totaled an estimated \$290,000,000,000. Despite the high costs, less than one percent of those diagnosed with Alzheimer’s disease receive comprehensive care planning services, despite such services being eligible under Medicaid and Medicare. Those diagnosed with Alzheimer’s disease and other dementias who engage in comprehensive care planning can reduce their financial burden and significantly improve their overall quality of life. Therefore, consultation with medical professionals will enable more people to adequately plan for comprehensive care after being diagnosed with Alzheimer’s disease and related dementias.

Your Committee notes the comments by the Executive Office on Aging that this measure may encourage more persons to engage in comprehensive care planning services.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2340, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2340, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Wakai).

SCRep. 2644 Commerce, Consumer Protection, and Health on S.B. No. 2225

The purpose and intent of this measure is to:

- (1) Clarify the scope of practice for licensed physical therapists to include the practice of dry needling; and
- (2) Expand other competence-related activities to include dry needling specific knowledge.

Your Committee received testimony in support of this measure from the American Physical Therapy Association, Board of Physical Therapy, The Queens' Health Systems, American Physical Therapy Association Hawaii, Maui Holistic Physical Therapy, R.O.C.K. Physical Therapy, Kauai Veterans Memorial Hospital, and fifty-six individuals. Your Committee received testimony in opposition to this measure from the Hawaii Acupuncture Association; AcuPlan Hawaii; Institute of Clinical Acupuncture and Oriental Medicine; Longevity Health Center; Body Mind Therapy; Molokai Acupuncture and Massage; Rubin Enterprises, LLC; Big Island Acupuncture; Windward Wellness; Acupuncture and Wellness Center, LLC; East 2 West Integrative Medicine; and fifty-six individuals. Your Committee received comments on this measure from the Board of Acupuncture.

Your Committee finds that the vast majority of states allow physical therapists to perform dry needling. Hawaii is one of only seven states that do not include dry needling in the physical therapist's scope of practice. Dry needling is a treatment used, when appropriate, in conjunction with other physical therapy interventions to improve movement, function, and treat chronic pain. Dry needling has also been proven to be effective at reducing opioid use.

Your Committee further finds that according to a report by the Human Resources Research Organization, more than four-fifths of what physical therapists need to know to be competent in dry needling is acquired during the course of their entry-level education, including knowledge related to evaluating, assessing, diagnosing, and developing a plan of care, and maintaining documentation, safety, and professional responsibilities. Dry needling does, however, require advanced or specialized training in needling technique and psychomotor skills to handle needles and palpate tissues. This measure clarifies the scope of practice for licensed physical therapists in Hawaii to include the practice of dry needling and expands competence related activities approved by the Board of Physical Therapy to include certain dry needling specific knowledge to help improve access to needed health care in the State.

Your Committee notes that the Board of Physical Therapy already has the authority under chapter 91, Hawaii Revised Statutes, to adopt administrative rules concerning education and continuing competence requirements for physical therapists, which can be more easily amended to incorporate advancements in the practice of physical therapy. Accordingly, your Committee has amended this measure by:

- (1) Removing language that would have enumerated specific education and training requirements for physical therapists to perform dry needling;
- (2) Inserting language requiring the Board of Physical Therapy to certify qualified licensed physical therapists to perform dry needling and designate the requirements for physical therapists related to dry needling; provided that the Board of Physical Therapy shall not certify a qualified licensed physical therapist to perform dry needling before January 1, 2021;
- (3) Inserting language allowing the Board of Physical Therapy to suspend or revoke a physical therapist's license for performing dry needling incorrectly, without proper training or certification, or in a manner that would likely harm a patient;
- (4) Inserting an effective date of July 1, 2050; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2225, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2225, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Ruderman, Thielen). Noes, none. Excused, 1 (Nishihara).

SCRep. 2645 Commerce, Consumer Protection, and Health on S.B. No. 2504

The purpose and intent of this measure is to:

- (1) Set a date for the transition of the Oahu Regional Health Care System from the Hawaii Health Systems Corporation to the Department of Health; and
- (2) Establish a working group by and between the Oahu Regional Health Care System and Department of Health that shall be responsible for developing a comprehensive plan that addresses all necessary components of such transition.

Your Committee received testimony in support of this measure from the Department of Health; Hawaii Health Systems Corporation; Oahu Region, Hawaii Health Systems Corporation; United Public Workers of Hawaii; and Hilo Medical Center. Your Committee received comments on this measure from the Hawaii Government Employees Association.

Your Committee finds that the Oahu Regional Health Care System is unique and distinguishable from the other regions due to the logistical complexities of the Oahu Regional Health Care System facilities and the limited but crucial nature of the services these facilities, Leahi Hospital and Maluhia, currently provide. Because the Oahu facilities almost exclusively serve long-term care and medicaid patients, groups traditionally underserved by private facilities because of the high cost of their care, the Oahu Regional Health Care System's long-term care operations are run more as a safety-net social service and, compared to the other regions, have less opportunity for additional revenue generation.

Your Committee further finds that, while statutorily tied to the Hawaii Health Systems Corporation, the Oahu Regional Health Care System operates mostly autonomously and its needs are unique from those of the other regional health care systems. As such, there is little necessity to keep the Oahu Regional Health Care System a part of the Hawaii Health Systems Corporation. With proper planning and implementation, the Oahu Regional Health Care System could be strategically assimilated into the Department of Health and its facilities could be used to help alleviate the need for subacute residential stabilization and other services.

Your Committee has heard the testimony of the Hawaii Government Employees Association expressing concerns about representation on the working group and further notes the request that the working group be agendized and noticed for all affected employees.

Your Committee has amended this measure by:

- (1) Clarifying findings regarding substance use, mental health, homelessness, and the Oahu Regional Health Care System;
- (2) Deleting language that would have removed:
 - (A) The Oahu Regional Health Care System from the Hawaii Health Systems Corporation; and
 - (B) The two board members from the island of Oahu from the Board of Directors of the Hawaii Health Systems Corporation;
- (3) Inserting language that, beginning on June 30, 2020, and until the transition of the Oahu Regional Health Care System into the Department of Health is complete, authorizes the Director of Health to have sole decision-making authority over all matters concerning the Oahu Regional Health Care System;
- (4) Inserting language that specifies that the Board of Directors of the Hawaii Health Systems Corporation shall have no legal relationship with the Oahu Regional Health Care System or its facilities upon completion of the transition to the Department of Health;
- (5) Clarifying that the Director of Health and Chair of the Oahu Regional Health Care System, as Co-Chairs, shall have final authority over transfer activities to be implemented by the working group;
- (6) Changing the composition of the working group by:
 - (A) Adding one or more Department of Health staff and one or more Oahu Regional Health Care System Staff, as deemed necessary, to the working group; and
 - (B) Designating certain representatives to serve on the working group in a consultative capacity, including a representative from the Hawaii Government Employees Association;
- (7) Clarifying various responsibilities of the working group related to the transition of the Oahu Regional Health Care System;
- (8) Deleting language related to permitted interactions among members of the working group;
- (9) Deleting language that would have required the working group to submit a report of its transition plan, including any proposed legislation, to the Legislature prior to the convening of the Regular Session of 2021;
- (10) Inserting language that establishes a timeline for the transition of the Oahu Regional Health Care System into the Department of Health, including the transfer of the budget and deadlines for an interim and final report to the Legislature;
- (11) Clarifying various provisions related to the conditional requirements of all transition actions by the working group regarding Attorney General approval, liabilities, and civil service and non-civil service position transfer provisions;
- (12) Inserting language that prohibits the rights, benefits, and privileges currently enjoyed by employees from being impaired or diminished as a result of the employees being transferred to the Department of Health; and
- (13) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2504, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2504, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 7. Noes, none. Excused, none.

SCRep. 2646 Commerce, Consumer Protection, and Health on S.B. No. 2228

The purpose and intent of this measure is to prohibit:

- (1) The sale of flavored products for electronic smoking devices;
- (2) The mislabeling of e-liquid products containing nicotine; and
- (3) The sale of electronic smoking devices, e-liquid, electronic smoking device accessories, and flavored products for electronic smoking devices other than through retail sales via a direct, in-person exchange between a retailer and consumer.

Your Committee received testimony in support of this measure from the Department of Health; one member of the Maui County Council; University of Hawaii Student Health Advisory Council; American Heart Association; American Cancer Society Cancer Action Network; Hawaii American Nurses Association; Hawaii Dental Hygienists' Association; Hawai'i Primary Care Association; American Academy of Pediatrics, Hawaii Chapter; Hawai'i Public Health Institute; Pono Hawai'i Initiative; Hawai'i Pacific Health; Hui No Ke Ola Pono; Hawaii COPD Coalition; Hawaii Dental Association; Hawaii Youth Services Network; Flavors Hook Kids Hawaii; Kapi'olani Smokefree Families; Hawaii State Teachers Association; and numerous individuals. Your Committee received testimony in opposition to this measure from the Hawaii Smokers Alliance; Logic Technology Development, LLC; VOLCANO eCigs; and forty-seven individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that there has been a dramatic increase in the use of electronic smoking devices by Hawaii's youth and that a significant driver of this increase is the availability of flavored products. The tobacco industry and electronic smoking device industry

have significantly increased the introduction and marketing of flavored non-cigarette tobacco products for electronic smoking devices. Adding flavors to tobacco changes the taste and reduces the harshness of the otherwise unflavored tobacco product, making smoking more appealing and easier for beginners to try. Therefore, to ensure the health and safety of consumers, especially youth and teenagers, it is necessary to further regulate the electronic smoking device industry, particularly the sale of flavored non-cigarette tobacco products.

Your Committee has amended this measure by:

- (1) Inserting language that establishes the offense of unlawful shipment of e-liquid products;
- (2) Inserting language that includes e-liquid and electronic smoking devices containing e-liquid within the definition of “tobacco products”, as used in the cigarette tax and tobacco tax law; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2228, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2228, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Ruderman, Thielen).

SCRep. 2647 Education on S.B. No. 3013

The purpose and intent of this measure is to:

- (1) Establish monetary incentives to encourage public high school students to obtain industry certification in high value occupations;
- (2) Require the Department of Education to develop high value employment criteria in coordination with the University of Hawaii and others, and, with the assistance of the Department of Labor and Industrial Relations, establish lists of occupations in which the industry certification will be required or will materially enhance the student’s chances for employment;
- (3) Require participating public high schools to meet certain criteria to receive payment of industry certification awards;
- (4) Require the Department of Education to submit annual reports to the Legislature; and
- (5) Provide an appropriation to implement the purposes of this Act.

Your Committee received testimony in support of this measure from the Department of Education, Department of Labor and Industrial Relations, Hawaii State Teachers Association, HawaiiKidsCAN, Hawaii Food Industry Association, Hawaii Pacific Health, Chamber of Commerce Hawaii, and five private individuals. Your Committee received comments on this measure from the Executive Office on Early Learning and Early Learning Board.

Your Committee finds that this measure will strengthen and advance coordinated efforts among various stakeholders to prepare students for the college and immediate employment with the appropriate vocational skills, attributes, credentials, and competencies necessary to fill high value occupations in fields such as health, education, air travel, and technology.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3013 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2648 Water and Land on S.B. No. 2188

The purpose and intent of this measure is to require that all firearms, animal parts, products, or items containing prohibited animal parts or products involved in the commission of wildlife trafficking or certain hunting offenses shall be considered contraband to be forfeited to and disposed of by the State.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; City and County of Honolulu, Department of the Prosecuting Attorney; and one individual. Your Committee received testimony in opposition to this measure from the Hawaii Firearms Coalition and Hawaii Hunting Association.

Your Committee finds that section 183D-5(b)(1), Hawaii Revised Statutes, states that a first conviction for certain wildlife trafficking or hunting offenses shall result in a mandatory fine of not less than \$200, or by imprisonment of not more than one year, or both, but does not include contraband forfeiture penalties that results when there are subsequent convictions. When the products from, and implements used in, the commission of wildlife trafficking are seized, the criminal activity is more effectively hampered than when violators are simply fined or imprisoned. Removing trafficked products from the market and taking the firearms out of the hands of poachers is a step in the right direction towards ending wildlife trafficking.

Your Committee has amended this measure by removing firearms from the list of items that are to be considered contraband and subject to forfeiture by the State when it is a first conviction of certain wildlife trafficking or hunting offenses.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2188, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2188, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Nishihara).

SCRep. 2649 (Joint) Water and Land and Agriculture and Environment on S.B. No. 2386

The purpose and intent of this measure is to:

- (1) 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; and
- (2) Require no less than a one-half mile buffer zone for the construction, operation, modification, or expansion of a municipal solid waste landfill unit.

Your Committees received testimony in support of this measure from the Plumbers and Fitters Local 675, Zero Waste O'ahu, Sierra Club of Hawai'i, ILWU Local 142, Surfriider Oahu, 'Ai Pohaku—The Stone Eaters, and three individuals. Your Committees received testimony in opposition to this measure from the County of Hawai'i, Department of Environmental Management; Building Industry Association Hawaii; and Chamber of Commerce Hawaii. Your Committees received comments on this measure from the County of Maui, Department of Environmental Management.

Prior to the hearing on this measure, your Committees posted and made available for public review a proposed S.D. 1, which amends this measure by clarifying the types of facilities that are subject to the buffer zone requirement.

Your Committees received testimony in support of the proposed S.D. 1 from the Department of Land and Natural Resources; Ke One O Kākuhihewa-O'ahu Council of the Association of Hawaiian Civic Clubs; Iron Workers Stabilization Fund; Association of Hawaiian Civics Clubs; Moku O Manokalanipō, Kaua'i Council of the Association of Hawaiian Civic Clubs; International Brotherhood of Electrical Workers; Prince Kūhiō Hawaiian Civic Club; Plumbers and Fitters Local 675; Association of Hawaiian Civic Clubs-Hawai'i Council; Hawaii Building & Construction Trades Council; and one individual. Your Committees received testimony in opposition of the proposed S.D. 1 from the Department of Health and PVT Land Company, Ltd. Your Committees received comments on the proposed S.D. 1 from the County of Maui, Department of Environmental Management and County of Kauai, Department of Public Works.

Your Committees find that there is an emergence of scientific studies affirming the health hazards of living and working next to landfills. The State lacks landfill buffer zone requirement that adequately protect public health. This measure will ensure a minimum safe distance between landfills, its facilities, and the public to better increase the health and quality of life for the people in the State.

Your Committees have amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2386, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2386, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman).

SCRep. 2650 Water and Land on S.B. No. 2668

The purpose and intent of this measure is to:

- (1) Increase the percentage of the Land Conservation Fund that may be used for costs related to the operation, maintenance, and management of lands acquired by the fund;
- (2) Increase the maximum dollar amount of the conveyance tax distribution to the land conservation fund; and
- (3) Appropriate funds from the Land Conservation Fund for resource land acquisition.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Historic Hawai'i Foundation, Hana Arts, Ke Ao Halii, and six individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association of Realtors. Your Committee received comments on this measure from The Trust for Public Land.

Your Committee finds that the State dedicates a portion of its annual revenue from real estate conveyance taxes to the Land Conservation Fund. Each year, the Legislature provides the Legacy Land Conservation Program with some of the money held in the fund, which then distributes this money through a competitive grants process for purchasing land and conservation easements and for paying the debt service on state financial instruments for the protection of agricultural, coastal, cultural, and historical resources; habitats, natural areas, and open, scenic spaces; and parks, recreation, and watershed resources. Your Committee finds that this measure will increase the funding available for purchasing and protecting land that shelters exceptional, unique, and threatened resources.

Your Committee has amended this measure by:

- (1) Clarifying that the appropriation of funds is for fiscal year 2020-2021;
- (2) Inserting an effective date of July 1, 2020; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2668, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2668, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2651 Water and Land on S.B. No. 2692

The purpose and intent of this measure is to appropriate an amount to be determined out of the land conservation fund for the acquisition of eleven thousand twenty acres of the Na Wai Eha watershed in Wailuku, Maui.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; County of Maui, Office of the Mayor; one member from the Maui County Council; and County of Maui, Department of Water Supply.

Your Committee finds that the Na Wai Eha watershed in Wailuku, Maui, provides significant ecological, cultural, and hydrological value to the island of Maui. It is composed of native koa, ohia, and lama forests, hidden valleys and mountains reaching five thousand feet, the habitat for over forty-five endangered species, and the principal source of Maui's drinking water. A substantial portion of this critical watershed is up for sale, and it is a rare opportunity to preserve this enormous section of the West Maui mountains in perpetuity for public recreation and benefit. This measure will appropriate funds from the land conservation fund for the acquisition of the Na Wai Eha watershed in Wailuku, Maui, to protect its scenic, environmental, and cultural value.

Your Committee has amended this measure by:

- (1) Clarifying that the actual acreage of the watershed available is 8,898.7; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2692, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2692, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2652 (Joint) Water and Land and Higher Education on S.B. No. 2755

The purpose and intent of this measure is to appropriate funds to the Department of Land and Natural Resources to conduct, in collaboration with the University of Hawaii College of Tropical Agriculture and Human Resources, a statewide assessment of pueo conservation status.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, University of Hawai'i System, Conservation Council for Hawai'i, Animal Rights Hawai'i, Hawai'i's Thousand Friends, and seven individuals.

Your Committees find that the pueo, or Hawaiian short-eared owl, is an endemic subspecies of the short-eared owl that has a special place in Hawaii's culture and ecology. The State recognizes the pueo as endangered on the island of Oahu, but a comprehensive assessment on all of the main Hawaiian islands has never been done. Conducting a comprehensive assessment on the pueo will assist in improving conservation efforts of the pueo across the State.

As affirmed by the records of votes of the members of your Committees on Water and Land and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2755 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Water and Land: Ayes, 4. Noes, none. Excused, 1 (Nishihara).
Higher Education: Ayes, 5. Noes, none. Excused, none.

SCRep. 2653 (Joint) Water and Land and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2911

The purpose and intent of this measure is to:

- (1) Require the Fire Chief and the Ocean Safety Director of each county, in addition to the Director of Public Safety and the Police Chief of each county, to transmit to the Department of Land and Natural Resources a copy of every report relating to boating accidents or the theft, loss, or recovery of vessels; and
- (2) Require all reports submitted pursuant to section 200-27, Hawaii Revised Statutes, to be unredacted.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committees find that each year, there are about two to three dozen incidents that constitute a "boating accident" and meeting the criteria for entry into the United States Coast Guard Boating Accident Report Database. The data allows the United States Coast Guard and partnering organizations to determine and analyze trends in operator use of boating equipment and boating practices that increase or decrease the risk of fatalities, disappearances, and injuries. Every partner agency aims to enter the best, highest quality data possible into the United States Coast Guard Boating Accident Report Database to ensure the accuracy of the analysis.

Your Committees further find that there is a longstanding misperception that incident reports relating to boating accidents are generated by county police departments. However, in reality, fire departments and ocean safety agencies are the entities that respond to these types of incidents and generate reports that are most useful to the United States Coast Guard Boating Accident Report Database. This measure will require fire departments and ocean agencies to also transmit their boating accident reports to the Department of Land

and Natural Resources, which will ultimately result in improved safety for all boaters and boating communities across the country as well as ocean users who interact with those boaters.

Your Committees have amended this measure by:

- (1) Inserting an effective date of December 31, 2033, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2911, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2911, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 2654 (Majority) Commerce, Consumer Protection, and Health on S.B. No. 2582

The purpose and intent of this measure is to:

- (1) Authorize advanced practice registered nurses, in addition to physicians, to practice medical aid in dying in accordance with their scope of practice and prescribing authority;
- (2) Reduce the mandatory waiting period between oral requests from twenty days to fifteen days; and
- (3) Provide an expedited pathway for those terminally ill individuals not expected to survive the mandatory waiting period.

Your Committee received testimony in support of this measure from the Department of Health, University of Hawai'i System, Hawai'i Association of Professional Nurses, Filipina Advocacy Network, Compassion & Choices, LGBT Caucus of the Democratic Party of Hawaii, and forty-two individuals. Your Committee received testimony in opposition to this measure from the Honolulu County Republican Party, Hawaii Family Forum, and nine individuals. Your Committee received comments on this measure from the Board of Nursing and Hawai'i State Center for Nursing.

Your Committee finds that Act 2, Session Laws of Hawaii 2018, established the Our Care, Our Choice Act to allow qualified patients in the State with a medically confirmed terminal illness with less than six months to live and possessing decisional capacity to determine their own medical care at the end of their lives. Safeguards were put in place to ensure that patients and their loved ones will be protected from any potential abuse. However, these safeguards are time-based and delay the end of life process. As a result, many patients have died during the delay from the safeguards.

Your Committee further finds that the process for the aid-in-dying program should be further streamlined to provide options for terminally ill and mentally capable patients. Allowing advanced practice registered nurses to practice medical aid in dying in accordance with their scope of practice and prescribing authority will provide further access for qualified terminally ill individuals, especially for individuals on the neighbor islands.

Your Committee has amended this measure by:

- (1) Inserting language to allow psychiatric mental health nurse practitioners, in addition to psychiatrists, psychologists, and clinical social workers, to provide counseling to a qualified patient; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2582, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2582, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, 1 (Fevella). Excused, none.

SCRep. 2655 (Joint) Commerce, Consumer Protection, and Health and Technology on S.B. No. 2458

The purpose and intent of this measure is to appropriate funds for the Department of Health to create and host a website and launch a public education campaign on the effects of screen time on children and teens.

Your Committees received testimony in support of this measure from six individuals. Your Committees received comments on this measure from the Department of Health.

Your Committees find that there is a growing body of empirical data and anecdotal accounts that suggest time spent in front of screens has a negative impact on children's mental health and healthy relationship formation. A growing body of evidence also suggests that excessive screen time may have an important impact on the high increase in anxiety, depression, and suicide among teens. However, despite this research, the State lacks an educational resource for families on the effects of excessive screen time and best practices for limiting screen time. This measure would provide additional resources for families regarding the effects of screen time on children's and teens' mental health and their ability to form strong, healthy relationships.

Your Committees have amended this measure by:

- (1) Clarifying the website requirements to include a link and references to national websites that offer evidence-based screen time guidelines by age group, resources, and best practices for parents;

- (2) Deleting language that would have required the website to answer frequently asked questions; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2458, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2458, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Thielen, Fevella).

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

SCRep. 2656 Agriculture and Environment on S.B. No. 2050

The purpose and intent of this measure is to establish a regulatory framework for products containing cannabidiol (CBD) that were manufactured legally through approved government programs.

Your Committee received testimony in support of this measure from Irie Hawaii, Hawaii Food Industry Association, ABC Stores, Solvate Services LLC, U.S. Hemp Roundtable, UpCountry Doctor, Kona Chapter Hawaii Farmers Union United, Malie Cannabis Clinic, and thirty-five individuals. Your Committee received testimony in opposition to this measure from Patients Without Time, Kokoiki Brands LLC, and eleven individuals. Your Committee received comments on this measure from the Department of Agriculture, Department of Health, and Hawaii Farmers Union United.

Your Committee finds that Act 228, Session Laws of Hawaii 2016, established the industrial hemp pilot program within the department of agriculture and has created the promise of a new form of diversified agriculture in Hawaii. Your Committee further finds that Congress passed the Agricultural Improvement Act of 2018, otherwise known as the farm bill, which removed hemp derived extracts, derivatives, and cannabinoids, such as CBD as schedule 1 substances in the Controlled Substances Act from hemp plants that contain no more than 0.3 percent tetrahydrocannabinol, effectively legalizing the sale of CBD products.

Your Committee also finds that the Food and Drug Administration (FDA) has continued to exercise jurisdiction over the regulation of ingestible and topical hemp products. The FDA has issued non-legally binding public statements arguing that it is illegal to market CBD as a food additive or dietary supplement because it is an active ingredient in a pharmaceutical drug. Your Committee finds that, given the existing competing federal frameworks and confusion among consumers and the industry, it is important that a timely regulatory framework be established around CBD, both to provide consumer safety requirements and certainty for Hawaii hemp farmers to continue to viably operate their industrial hemp operations in the State.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2050, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2050, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3; Ayes with Reservations (Ruderman, Thielen). Noes, none. Excused, 2 (Rhoads, Fevella).

SCRep. 2657 (Joint) Agriculture and Environment and Higher Education on S.B. No. 2379

The purpose and intent of this measure is to:

- (1) Require the University of Hawaii Sea Grant College Program, in cooperation and consultation with the Department of Health, to develop and conduct a two-year comprehensive statewide outreach program that:
 - (A) Provides science-based information and understanding of sewage contamination sources in nearshore marine areas; and
 - (B) Increases understanding of sewage capacity needs; and informs all stakeholders, including the Department of Health, of appropriate solutions that support converting all cesspools by 2050; and
- (2) Require the University of Hawaii Water Resources Research Center to conduct research on wastewater system technologies to determine the most cost-effective way to upgrade cesspools in the State and reduce the impact of cesspools on drinking water and groundwater.

Your Committees received testimony in support of this measure from the Department of Health, University of Hawai'i Sea Grant College Program, University of Hawai'i Water Resources Research Center, one member of the Hawai'i County Council, Department of Environmental Services of the City and County of Honolulu, Ulupono Initiative, Wastewater Alternatives and Innovations, and one individual.

Your Committees find that public health and the quality of Hawaii's drinking water, streams, ground waters, nearshore marine areas, and ocean are being harmed by water pollution from cesspools. Drinking water, public recreation, and the State's precious coral reefs, on which Hawaii's economy, shoreline, recreation, fisheries, and native species depend, are or may be harmed by such pollution. Your Committees find that action must be taken to ensure the safety of the State's precious water resources. This measure will assist in achieving this goal.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2379 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Thielen).

Higher Education: Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 2658 (Joint) Agriculture and Environment and Water and Land on S.B. No. 2935

The purpose and intent of this measure is to:

- (1) Authorize the Department of Land and Natural Resources to co-enforce, with the United States Coast Guard, rules, standards, and requirements related to ballast-water, vessel biofouling, vessel hull in-water cleaning, and any other incidental discharges that may pose a risk for the introduction and spread of non-native aquatic organisms, adopted by the United States Coast Guard and the Environmental Protection Agency pursuant to the Vessel Incidental Discharge Act of 2018, and to set and enforce state standards and regulations for incidental discharges for vessel types where not preempted by the Vessel Incidental Discharge Act of 2018; and
- (2) Appropriate funds to support staff and operational costs associated with aquatic biosecurity inspection, investigation, monitoring, management, compliance, and enforcement.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Big Island Invasive Species Committee, Coordinating Group on Alien Pest Species, and two individuals. Your Committees received comments on this measure from the Department of Transportation, Matson, Ocean Tourism Coalition.

Your Committees find that the introduction and spread of alien aquatic organisms poses an unprecedented threat to Hawaii's marine, estuarine, and freshwater ecosystems, maritime and recreational activities, and economy. It is imperative that the State assess and manage the pathways of introduction and spread to combat the introduction and spread of alien aquatic organisms. Such pathways include the release of unmanaged or improperly managed ballast water, the spawning or budding of species carried to state waters as vessel biofouling, or the cleaning of fouling organisms from vessel hulls where they may then become established, the arrival of species carried on marine debris that washes ashore, and the escape or release of species from aquaculture, scientific research, and the aquarium trade or hobbyists.

Your Committees note the concerns of the Department of Land and Natural Resources (DLNR) that this measure as drafted would allow the DLNR to adopt federal regulations without the notice and public comment process of chapter 91, Hawaii Revised Statutes. The DLNR has submitted potential amendments to this measure as a compromise with the Department of Transportation, Harbors Division and to address concerns of the shipping industry. Your Committees find that adoption of these amendments is necessary to ensure state waters are protected from alien aquatic organisms without sacrificing agency transparency.

Your Committees have amended this measure by:

- (1) Deleting language that would have:
 - (A) Required the DLNR to develop preventative measures and best management practices that will reduce risks of alien species being introduced;
 - (B) Allowed the Governor to enter an agreement with the Secretary of the department in which the United States Coast Guard is operating to enforce section 312(k) of the Federal Water Pollution Act (33 U.S.C. 1322); and
 - (C) Deemed any regulation, standard, or requirement to be a rule, standard, or requirement adopted by the DLNR during any period when certain federal regulations established by the United States Coast Guard or the Environmental Protection Agency are in effect, and exempting rules adopted by DLNR to be exempt from the public notice and public hearing requirements of chapter 91, Hawaii Revised Statutes;
- (2) Clarifying that the appropriation is authorized for positions to support the prevention, detection, and management of aquatic alien and invasive species associated with ballast water and vessel biofouling pathways from all vessel types;
- (3) Amending section 1 to reflect its amended purpose;
- (4) Deleting the savings clause; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2935, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2935, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 2659 (Joint) Human Services and Commerce, Consumer Protection, and Health on S.B. No. 2025

The purpose and intent of this measure is to permit minors to consent to medical care related to the diagnosis or treatment of HIV or the prevention of HIV. Parents or legal guardians would not be able to revoke consent for treatment or prevention of HIV and the minor would not be liable for payment.

Your Committees received testimony in support of this measure from the Department of Health, Hawaii Youth Services Network, Pride at Work - Hawaii, LGBT Caucus of the Democratic Party of Hawaii, Planned Parenthood Votes Northwest and Hawaii, Hawai'i Health & Harm Reduction Center, and eighteen individuals.

Your Committees find that safe, effective medications for the treatment and prevention of HIV need to be accessible for all individuals diagnosed with HIV or at high risk of acquiring HIV. It is essential that young people also have access to these medical interventions so that they can either prevent infection or receive care. Your Committees also find that this measure would allow minors who cannot or will not seek the consent of their parents or guardians to consent to medication intervention and prevention of HIV infection.

Your Committees, as suggested by the Department of Health, have amended this measure by:

- (1) Relocating the provisions of the measure from chapter 325, Hawaii Revised Statutes to chapter 577A, Hawaii Revised Statutes;
- (2) Removing the definition of "minor" from the proposed language of the measure for consistency with usage in section 577A-1, Hawaii Revised Statutes;
- (3) Adding a new definition for "sexually transmitted infection" to section 577A-1, Hawaii Revised Statutes;
- (4) Updating the definition "medical care and services" to repeal "venereal diseases" and replace with the term "sexually transmitted infection";
- (5) Replacing the term "afflicted with a venereal disease" with "infected with, or to have been exposed to, a sexually transmitted infection" in sections 577A-2 and 577A-3, Hawaii Revised Statutes;
- (6) Adding language to 577A-4(a), Hawaii Revised Statutes that clarifies a minor will not be liable for payment of medical care and services related to HIV; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2025, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2025, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Thielen, Wakai, Fevella).

SCRep. 2660 (Joint) Human Services and Commerce, Consumer Protection, and Health on S.B. No. 2248

The purpose and intent of this measure is to appropriate funds and require the Department of Human Services to establish a service pilot program for neighbor islands to provide services and training for blind and visually impaired residents to take effect on July 1, 2020, and end on June 30, 2021.

Your Committees received testimony in support of this measure from the Office of the Mayor of the County of Hawai'i and Hawaii Disability Rights Center. Your Committees received comments on this measure from the Department of Human Services.

Your Committees find that thousands of Hawaii residents experience visual disabilities that hamper daily living and that may lead to conditions of isolation, limited productivity, loss of independence, and lack of social integration. Your Committees further find that training, adjustments to blindness services, and transportation services receive state and local support based on economies of scale.

Your Committees also find that a supplemental service plan is needed to provide additional support services for neighbor island residents who are blind and visually impaired. Your Committees note the suggestion posed by the Department of Human Services to extend the duration of the pilot program to allow enough time to implement and evaluate the program's effectiveness.

Accordingly, your Committees have amended this measure by extending the completion of the pilot program from June 30, 2021, to June 31, 2022. Your Committees further amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2248, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2248, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Thielen, Wakai, Fevella).

SCRep. 2661 Human Services on S.B. No. 2291

The purpose and intent of this measure is to establish a refundable tax credit equal to an unspecified percentage of a taxpayer's eligible child care expenses to mean the sum of the taxpayer paid to a child care facility in the State to:

- (1) Support the child care needs of the taxpayer's employees in the taxable year; and
- (2) Purchase child care slots at the child care facility that are actually provided or reserved for children of the taxpayer's employees.

Your Committee received testimony in support of this measure from the Department of Human Services, American Association of University Women of Hawaii, and Early Learning Board. Your Committee received comments on this measure from the Department of Taxation and Executive Office on Early Learning.

Your Committee recognizes a responsibility to develop the State's early childhood system that delivers a spectrum of superior development and learning opportunities for children from prenatal care to entry into kindergarten, with priority given to underserved or at-risk children.

Your Committee finds that families of young children in Hawaii need more affordable, high-quality child care options. Incentivizing employers to address their employees' child care needs through tax credits would help provide our families with the support they need.

Your Committee learned through testimony that it is not specified how the tax credit will be distributed if the taxpayer is a pass-through entity.

Therefore, your Committee has amended this measure by:

- (1) Adding language suggested by the Department of Taxation; and
- (2) Making the tax credit effective for taxable years beginning after December 31, 2020.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2291, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2291, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Rhoads, Fevella).

SCRep. 2662 (Joint) Human Services and Commerce, Consumer Protection, and Health on S.B. No. 2333

The purpose and intent of this measure is to appropriate funds to the Executive Office on Aging to report on the assessment of progress made toward the identified policy goals and the recommendations going forward to meet the goals for reforming the long term services system.

Your Committees received testimony in support of this measure from the AARP Hawaii; Alzheimer's Association, Aloha Chapter; and Faith Action for Community Equity. Your Committees received comments from the Executive Office on Aging.

Your Committees find that virtually all of Hawaii's elders would prefer to age-in-place at home rather than in a care home or institution, and that many elders will require more intensive services and caregiving at the end of their lives. Your Committees note that Hawaii's elder population and their need for intensive services and care giving continues to increase.

Your Committees also find that in 2012, the Long Term Care Commission put forth a comprehensive report which entailed a thorough assessment of Hawaii's long term services, support system, and recommendations for the system's reform to improve the quality of services, access to care and affordability. Your Committees further note that in order to address long term care issues in our State and to move forward with recommendations, the Executive Office on Aging feels it would be beneficial to review promising models of long term care systems and financing practices of other states and countries.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2333, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2333, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).
Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Thielen, Wakai, Fevella).

SCRep. 2663 (Joint) Human Services and Commerce, Consumer Protection, and Health on S.B. No. 3122

The purpose and intent of this measure is to appropriate funds to be expended by the Department of Human Services to establish and implement a new program to provide home- and community- based services to individuals who are at-risk of requiring institutionalization.

Your Committees received testimony in support of this measure from the Council on Developmental Disabilities, Waianae Coast Comprehensive Health Center, Fetal Alcohol Spectrum Disorders Action Group, Keiki Education Living Independent Institute Foundation, Hawaii Disability Rights Center, Hawai'i Psychological Association, and twelve individuals. Your Committees received comments on this measure from the Department of Health and Department of Human Services.

Your Committees find that there are Medicaid beneficiaries in the State with intellectual or developmental disabilities who are unable to access home- and community-based services. These individuals are at higher risk for future institutionalization because they may lack independent daily living skills and may be unable to manage their own care or to access the support necessary to maintain their independence.

Your Committees also find that this measure could allow the Department of Human Services to further convene stakeholders to better define the population, the projected number of people who need services, and the services they need.

Your Committees, at the suggestion of the Department of Health and the Department of Human Services, have amended this measure by:

- (1) Changing some language in the description of individuals eligible for the program's services to align more closely with Medicaid programs; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3122, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3122, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Thielen, Wakai, Fevella).

SCRep. 2664 Government Operations on S.B. No. 2114

The purpose and intent of this measure is to prohibit former legislators and public officials from working on any administrative action relating to rulemaking under the Administrative Procedures Act. Specifically, this measure prohibits legislators, employees of the Legislature, and certain high-ranking state officials from lobbying or representing other interests for a fee before the State and colleagues with whom they have served, for twelve months after termination from their respective elective and government positions.

Your Committee received testimony in support of this measure from the Hawai'i State Ethics Commission, Common Cause Hawaii, and Pono Hawai'i Initiative.

Your Committee finds that under current law, former legislators and high ranking public officials are prohibited from representing others for compensation on matters the legislator or former official participated in as a legislator or officer, or took official action on as a legislator or public official within twelve months of leaving their public office. The current law, however, does not prevent these former public officials from representing a client for compensation by representing the private client before all divisions of the state executive or legislative branches at any level.

Your Committee has amended this measure by:

- (1) Accepting the amendment proposed by the State Ethics Commission to mirror the language of H.B. No. 2124, which is similar to this measure but contains technical and conforming amendments made by the Legislative Reference Bureau;
- (2) Clarifying that section 84-18(a), Hawaii Revised Statutes, regarding maintaining confidentiality of information, applies to former State employees of any length of time; and
- (3) Clarifying that sections 84-18(b) through (e), Hawaii Revised Statutes, regarding prohibiting the revolving door policy on lobbying, applies to former State employees who have worked a minimum of 181 days and every Executive Director, Director or Administrator of a board, authority, or commission enumerated in section 84-17(d), Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2114, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2114, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2665 Education on S.B. No. 2450

The purpose and intent of this measure is to require Hawaii's public high schools to start no earlier than 8:30 a.m.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association and a private individual. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that, historically, elementary and secondary principals have had the autonomy to work with teachers and staff to create a school environment that addresses the needs of the whole child, their families, and the community they live in. This includes creating a bell schedule that best fits their school design.

Your Committee has amended this measure by making it voluntary for schools to start at any time between 8:00 a.m. and 9:00 a.m.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2450, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2450, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2666 (Joint) Agriculture and Environment and Higher Education on S.B. No. 2082

The purpose and intent of this measure is to appropriate funds for the University of Hawaii College of Tropical Agriculture and Human Resources to develop or identify a substitute for invasive plant species.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Department of Agriculture, University of Hawai'i System, Hawai'i Farm Bureau, and two individuals.

Your Committees find that most invasive plant species are introduced as nursery or landscape plants, which are prolific seed producers. Landscapers use many of these invasive plants to beautify resort landscapes, unfortunately, there is a lack of appropriate substitutes for many of the invasive plants. Your Committees further find that scientists at the University of Hawai'i College of Tropical Agriculture and Human Resources (CTAHR) have developed techniques to produce seedless plants, which are vegetatively propagated. Important nursery plants, once sterilized, can be grown and used for landscaping without any possibility that these plants will reproduce and become invasive. Your Committees conclude that finding a substitute for invasive plant species is in the interest of the State.

Your Committees acknowledge the current list of polyploids that CTAHR is currently researching, as referenced in CTAHR's testimony, and find that research should continue with focus on those plants. Accordingly, your Committees have amended this measure by:

- (1) Authorizing a general fund appropriation of \$97,000 for fiscal year 2020-2021 for CTAHR to develop or identify a substitute for invasive plant species, to include current research on sterile, non-seed-producing forms of polyploids and exclude highly invasive plant species that are listed on the department of agriculture's noxious weed list, and plants with a high score on the University of Hawai'i's weed risk assessment; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2082, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2082, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Thielen).

Higher Education: Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 2667 (Joint) Public Safety, Intergovernmental, and Military Affairs and Judiciary on S.B. No. 2849

The purpose and intent of this measure is to:

- (1) Clarify membership and certain powers and duties of the Law Enforcement Standards Board;
- (2) Establish new deadlines for the completion of Board responsibilities; and
- (3) Appropriate funds and resources to enable the Board to accomplish its mission.

Your Committees received testimony in support of this measure from the Department of the Attorney General, Department of Public Safety, Department of Land and Natural Resources, Department of Transportation, Hawai'i Police Department, and one individual.

Your Committees find that Act 220, Session Laws of Hawaii 2018, established the Law Enforcement Standards Board for the certification of law enforcement officers throughout the State. The Board is responsible for overseeing the regulation of law enforcement officers and standards and has specific duties such as establishing minimum standards for law enforcement officers and creating minimum criminal justice curriculum requirements. Your Committees believe that these standards are critical to maintaining public health, safety, and welfare. Your Committees also find that to carry out its responsibilities, the Board must consult and cooperate with various government agencies, universities and colleges, and other institutions concerning the development of law enforcement. Your Committees believe that increasing the size of the Board and allowing ex-officio members to have designees will expand the perspective of the Board and equip the Board with better tools to carry out its various responsibilities.

Your Committees have amended this measure by:

- (1) Deleting language that would have exempted the Administrator for the Law Enforcement Standards Board from civil service; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2849, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2849, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Baker, Harimoto).

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2668 (Majority) Commerce, Consumer Protection, and Health on S.B. No. 2539

The purpose and intent of this measure is to:

- (1) Require health insurers, mutual benefit societies, and health maintenance organizations to provide coverage for a comprehensive category of reproductive health services, drugs, devices, products, and procedures; and
- (2) Prohibit discrimination in the provision of reproductive health care services.

Your Committee received testimony in support of this measure from the Department of Human Services, Hawai'i State Commission on the Status of Women, Hawaii Medical Association, Planned Parenthood Votes Northwest and Hawaii, American Civil Liberties Union of Hawaii, Healthy Mothers Healthy Babies Coalition of Hawaii, LGBT Caucus of the Democratic Party of Hawaii, Hawai'i Children's Action Network Speaks!, Hawaii Women's Coalition, Hawaii Section of the American College of Obstetricians and

Gynecologists, AAUW of Hawaii, Breastfeeding Hawaii, Midwives Alliance of Hawaii, Kokua Kalihi Valley, and forty-nine individuals. Your Committee received testimony in opposition to this measure from the Hawaii Medical Service Association, Hawaii Association of Health Plans, and one individual. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Department of the Attorney General, Kaiser Permanente Hawaii, Hawai'i Primary Care Association, and American Family Life Assurance Company of Columbus.

Your Committee finds that the future of women's health has never been so uncertain. Given recent federal attacks on basic rights and health care, it is more important than ever that the Legislature acts to ensure that no one loses access to health care. Providing basic preventative care avoids the need for more expensive treatment and management down the road. Without legislative action, people in Hawaii will continue to delay care or forego care altogether due to high out-of-pocket costs, risking their health and economic security.

This measure safeguards our communities by codifying the Affordable Care Act's coverage requirements into state law and helps to ensure that women and LGBTQ individuals, regardless of gender, gender identity, or sexual orientation, do not lose access to no-copy preventive services and life-saving cancer screenings.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 2, 2021; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2539, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2539, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, 1 (Fevella). Excused, none.

SCRep. 2669 Education on S.B. No. 2488

The purpose and intent of this measure is to make an appropriation to fund an experimental modernization project pursuant to chapter 78-3.5 and make necessary discretionary salary adjustments.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii State Teachers Association, Americans for Democratic Action, Democratic Party of Hawai'i, Democratic Party of Hawai'i Education Caucus, Hawaii Alliance for Progressive Action, Parents for Public Schools of Hawai'i, Kamehameha Schools, HE'E Coalition, IATSE Local 665, Hawaii Appleseed Center for Law and Economic Justice, Waianae High School, Makawao Elementary School, Kamalii Elementary School, Pahoehoe Elementary School, Kipapa Elementary School, Laie Elementary School, Kalaheo Elementary School, Kihei Charter School, Ala Wai Elementary School, Kohala Middle School, Hawaii Technology Academy, Waipahu Intermediate School, Moanalua High School, and two hundred ninety-six private individuals. Your Committee received comments on this measure from the Department of Budget and Finance and two private individuals.

Your Committee finds that two of the ongoing challenges in public education are the chronic teacher shortage and inequitable teacher pay. Currently, only 53 percent of teachers remain in the Department of Education for five years or more. The Department's 2017-2018 employment report found that voluntary resignations increased from 850 to 1,111 with only about 30 percent being due to retirement. The number of teachers exiting the teaching profession has increased by more than 80 percent since 2010.

Chronic teacher turnover forces the Department to rely on uncertified emergency hires and long-term substitute teachers to fill vacancies. In addition, approximately 1,000 long-term substitutes and emergency hires are not graduates of a state-approved teacher education program. In fact, some are not college graduates.

Your Committee further finds that unlike many school districts around the country, the years of experience of Hawaii educators are not automatically taken into consideration in determining when they earn salary movements. Hawaii public school teachers can only receive increased pay for years of service if those rates are negotiated with the State, which has rejected increases during economic downturns. The current distribution of teachers on each level of the salary schedule is inconsistent and compressed. This contributes to many senior teachers leaving. In many cases, teachers who have a difference of ten or more years of experience have the same salary. Current figures show that 5,942 teachers with between zero and 24 years of service are clustered near the same pay on the salary scale.

In the 2019-2020 school year, the Department experienced a qualified teacher shortage of 973 positions. Three hundred fifty-one of these were in special education. Deficient salaries particularly intensify the teacher shortage in schools in hard-to-staff geographic locations. In these places, housing options are scarce, long commute times result in higher fuel expenses, and fewer community amenities are available. Hawaiian language immersion schools are also disproportionately harmed by the State's low ranking teacher compensation. Of the Department's 161 Hawaiian language immersion teaching positions, only 54 are filled with qualified and licensed Hawaiian language immersion teachers. In August 2019, the Hawaii State Supreme Court ruled that our State Constitution requires the Department to make "reasonable efforts" to provide students with access to Hawaiian language immersion education, making the need to attract and retain qualified and licensed Hawaiian language immersion teachers an urgent priority.

Your Committee has amended this measure by:

- (1) Appropriating \$25,000,000 on a non-recurring basis to fund teacher compensation as negotiated and executed between the Superintendent of education and Hawaii State Teachers Association Bargaining Unit five;
- (2) Adding:
 - (A) Special education, hard-to-staff geographic locations, and Hawaiian language immersion programs;

- (B) Experimental modernization; or
 - (C) Some combination of (A) and (B), as categories of teachers whose collective bargaining agreements may be funded by this measure; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2488, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2488, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2670 (Joint) Commerce, Consumer Protection, and Health and Human Services on S.B. No. 2459

The purpose and intent of this measure is to appropriate funds to restore diagnostic, preventive, and restorative dental benefits to adult Medicaid enrollees.

Your Committees received testimony in support of this measure from the State Council on Developmental Disabilities; Papa Ola Lokahi; AlohaCare; Hawaii Children's Action Network Speaks!; The Queen's Health Systems; AARP Hawai'i; Hawaii Dental Association; Hawai'i Public Health Institute; Hawaii Dental Hygienists' Association; Hawai'i State Rural Health Association; 'Ohana Health Plan; Hawaii Disability Rights Center; Hawaii Appleseed Center for Law and Economic Justice; Hawai'i Oral Health Coalition; Pono Hawai'i Initiative; Easterseals Hawaii; Catholic Charities Hawai'i; Full Life; Hui No Ke Ola Pono; Ho'ōla Lāhui Hawai'i; Save Medicaid Hawaii; We Are One, Inc.; and sixteen individuals. Your Committees received comments on this measure from the Department of Human Services and Hawaii Primary Care Association.

Your Committees find that poor oral health is linked with respiratory disease, cardiovascular disease, and diabetes. Dental diseases also contribute to cardiac issues and premature births. Furthermore, unaddressed dental needs affect the ability of individuals to obtain and keep employment.

Your Committees further find that among the Medicaid programs that need to be fully funded are dental benefits for adults. Therefore, it is in the best interests of the State to ensure access to dental health care for its residents as oral health is an essential part of general health and well-being.

Your Committees have amended this measure by:

- (1) Inserting language that requires the Department of Human Services to pursue all funding sources known to the State, including private grants, to restore diagnostic, preventive, and restorative dental benefits to adult Medicaid enrollees prior to expending any general revenues appropriated by this measure; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2459, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2459, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Nishihara, Wakai, Fevella).
Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

SCRep. 2671 (Joint) Commerce, Consumer Protection, and Health and Human Services on S.B. No. 2917

The purpose and intent of this measure is to:

- (1) Clarify that an advanced practice registered nurse and pharmacist may access information stored in the electronic prescription accountability system;
- (2) Allow controlled substances prescribers, dispensers, and pharmacists employed by the United States Department of Veterans Affairs facilities in the State to access prescription information stored in the electronic prescription accountability system; and
- (3) Allow authorized employees of the Department of Human Services, Med-QUEST Division, to access prescription information stored in the electronic prescription accountability system.

Your Committees received testimony in support of this measure from the Department of Health, Department of Human Services, Department of Public Safety, and two individuals. Your Committees received comments on this measure from the Hawai'i State Center for Nursing.

Your Committees find that the electronic prescription accountability system, or Prescription Drug Monitoring Program, increases Hawaii's public health surveillance capacity to better protect the community from prescribing practices that are of concern, especially regarding the over-prescribing of opioids. Allowing access to the electronic prescription accountability system for advanced practice registered nurses, pharmacists, and other authorized individuals provides additional safeguards to ensure appropriate prescribing practices.

Your Committees have amended this measure by:

- (1) Clarifying a statutory reference to advanced practice registered nurses regarding the authority to access information stored in the electronic prescription accountability system;

- (2) Clarifying that licensed health care providers or delegates of such providers employed by the United States Department of Veterans Affairs have access to information stored in the electronic prescription accountability system; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2917, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2917, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Nishihara, Wakai, Fevella).

Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

SCRep. 2672 (Joint) Water and Land and Agriculture and Environment on S.B. No. 2162

The purpose and intent of this measure is to:

- (1) Direct the Hawaii Climate Change Mitigation and Adaptation Commission to address areas already impacted by sea level rise, identify vulnerable critical public infrastructure, create a plan for mitigating and adapting to sea level rise, and provide policy direction to the Legislature on funding and strategies to address the impacts of climate change on the State; and
- (2) Appropriate funds.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Climate Change Mitigation and Adaptation Commission, Maui Chamber of Commerce, IMUAAAlliance, Board of Water Supply, one member of the Maui County Council, and five individuals. Your Committees received comments on this measure from the Office of Planning.

Your Committees find that Hawaii is already experiencing the impacts of climate change, including rising sea levels, extreme tides, accelerated coastal erosion, and stronger, more frequent storms. Even with decisive actions to reduce greenhouse gas emissions, many of the impacts of climate change are inescapable, and require that the population and environment adapt to them. Your Committees find that the Hawaii Climate Adaptation Initiative was established in 2014 with the purpose of protecting the State's economy, health, environment, and way of life by considering how to best adapt to and mitigate the impacts of climate change. This measure will appropriate funds to the Climate Change Mitigation and Adaptation Commission so that they address ways to strengthen Hawaii's overall readiness to face sea level rise and climate change.

Your Committees have amended this measure by:

- (1) Incorporating proposed changes from the Hawaii Climate Change Mitigation and Adaptation Commission to:
 - (A) Move language requiring the Commission to consider and make specific recommendation on sea level rise policies that have been implemented in other states and nations that may be applicable in Hawaii so that this work is considered a baseline for the tasks listed in section 2(a);
 - (B) Remove language requiring the Commission to conduct an inventory and replace it with language requiring the Commission to bring resources to the various agencies and departments in the form of best practices, formulate guidance, and provide a coordinating structure and timeframe within which to work;
 - (C) Remove language requiring that the Commission identify priority areas throughout the State that will be subject to high rates of coastal erosion and sea level rise, including public infrastructure and private properties;
 - (D) Remove language that requires the Commission to design and propose sea level rise impact zone maps to be adopted by the Legislature and provide a guidepost for future sea level rise adaptation policies and replace it with language requiring the Commission to work with partners to operationalize sea level rise exposure areas into county planning and permitting, and provide a status update in its annual report to the Legislature;
 - (E) Remove language that requires the Commission to work with state and county agencies to develop sea level rise adaptation plans in accordance with the sea level rise vulnerability and adaptation report and replace it with language that requires the Commission to work to enhance, uniformize, and support the work of the state and county agencies in their development of sea level rise adaptation plans utilizing the sea level rise vulnerability and adaptation report; and
 - (F) Remove language requiring the Commission to make specific recommendations to the Legislature for policies that may be adopted for managed retreat, relocation of infrastructure, or mitigation measures to minimize the impacts of sea level rise for public infrastructure and private properties, including information regarding how these recommendations may be funded; and
- (2) Inserting language requiring the Climate Change Mitigation and Adaptation Commission to submit a proposal for a state supplemental flood insurance program for properties within the State subject to climate change impacts to the Legislature no later than twenty days prior to the convening of the Regular Session of 2021; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2162, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2162, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).
Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman).

SCRep. 2673 (Joint) Water and Land and Agriculture and Environment on S.B. No. 2683

The purpose and intent of this measure is to appropriate funds for the Climate Change Mitigation and Adaptation Commission and coordinator.

Your Committees received testimony in support of this measure from the Hawaii Climate Change Mitigation and Adaptation Commission, IMUAAIliance, Board of Water Supply, and one individual. Your Committees received comments on this measure from the Office of Planning.

Your Committees find that Hawaii is already experiencing the impacts of climate change, including rising sea levels, extreme tides, accelerated coastal erosion, and stronger, more frequent storms. Even with decisive actions to reduce greenhouse gas emissions, many of the impacts of climate change are inescapable, and require that the population and environment adapt to them. Your Committees find that the Hawaii climate adaptation initiative was established in 2014 with the purpose of protecting the State's economy, health, environment, and way of life by considering how to best adapt to and mitigate the impacts of climate change. This measure will appropriate funds to the Climate Change Mitigation and Adaptation Commission so that they address ways to strengthen Hawaii's overall readiness to face sea level rise and climate change.

Your Committees have amended this measure by:

- (1) Incorporating proposed changes from the Climate Change Mitigation and Adaptation Commission to:
 - (A) Remove language requiring the Commission to conduct an inventory and replace it with language requiring the Commission to bring resources to the various agencies and departments in the form of best practices, formulate guidance, and provide a coordinating structure and timeframe within which to work;
 - (B) Remove language requiring that the Commission identify priority areas throughout the State that will be subject to high rates of coastal erosion and sea level rise, including public infrastructure and private properties;
 - (C) Remove language the requires the Commission to design and propose sea level rise impact zone maps to be adopted by the Legislature and provide a guidepost for future sea level rise adaptation policies and replace it with language requiring the Commission to work with partners to operationalize sea level rise exposure areas into county planning and permitting, and provide a status update in its annual report to the Legislature;
 - (D) Remove language the requires the Commission to work with state and county agencies to develop sea level rise adaptation plans in accordance with the sea level rise vulnerability and adaptation report and replace it with language that requires the Commission to work to enhance, uniformize, and support the work of the state and county agencies in their development of sea level rise adaptation plans utilizing the sea level rise vulnerability and adaptation report; and
 - (E) Remove language requiring the Commission to make specific recommendations to the Legislature for policies that may be adopted for managed retreat, relocation of infrastructure, or mitigation measures to minimize the impacts of sea level rise for public infrastructure and private properties, including information regarding how these recommendations may be funded and consideration of sea level rise policies implemented in other states and nations; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2683, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2683, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).
Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman).

SCRep. 2674 (Joint) Water and Land and Agriculture and Environment on S.B. No. 2812

The purpose and intent of this measure is to:

- (1) Clarify that agriculture activities in non-agricultural park lands may include the care and production of pasture lands;
- (2) Require the transfer of certain lands from the Department of Land and Natural Resources to the Department of Agriculture;
- (3) Require reports to the Legislature on compliance with the land transfers; and
- (3) Appropriate funds.

Your Committees received testimony in support of this measure from the Department of Agriculture; Ulupalakua Ranch; Hawaii Aquaculture & Aquaponics Association; Local Food Coalition; Hawai'i Farm Bureau; Maui Cattlemen's Association; Hawaii Crop Improvement Association; PonoHolo Ranch Limited; SC Ranch Co.; Maui County Farm Bureau; Kapapala Ranch; Circle5ranch; Hawaii Cattlemen's Council, Inc.; and seven individuals. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, The Nature Conservancy, Hawai'i Association of Watershed Partnerships, Conservation Council for Hawaii, and Sierra Club of Hawai'i.

Your Committees find that Act 90, Session Laws of Hawaii 2003, was enacted to authorize the transfer of certain non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture. Your Committees further find that many lessees of large acreages of land, primarily farmers and ranchers, have already been notified by the Department of Agriculture

that their land leases were to be transferred to and managed by the Department of Agriculture. However, nearly seventeen years later, the Department of Land and Natural Resources has not yet transferred the lands. This measure will require the transfer to occur so that farmers and ranchers may prudently invest in infrastructure on the leased lands and succeed in producing more local food for the State.

Your Committees have amended this measure by:

- (1) Incorporating changes proposed by the Department of Agriculture and inserting language that requires the Department of Land and Natural Resources to return to its state inventory land that was transferred to the Department of Agriculture pursuant to this Act that the Department of Agriculture has determined to be unsuitable or unnecessary for agricultural use and making conforming amendments;
- (2) Removing and leaving unspecified the date that the lands are to be transferred from the Board of Land and Natural Resources to the Department of Agriculture;
- (3) Removing the tax map key numbers of the lands to be transferred from the Board of Land and Natural Resources to the Department of Agriculture;
- (4) Inserting language that requires the Department of Agriculture and the Department of Land and Natural Resources to jointly submit reports to the Legislature by the end of 2021 with recommendations on:
 - (A) How the transfer of lands from the Department of Land and Natural Resources to Department of Agriculture can be implemented by the following year; and
 - (B) Addressing concerns raised regarding land stewardship by having the Department of Agriculture consider upon the transfer of lands, whether a fee would be assessed pursuant to the lease negotiated with the lessee, which would be used specifically for a watershed management plan utilizing the existing Agriculture Park Special Fund, and work together with the Department of Land and Natural Resources to allow continued management and stewardship of these important public trust lands and agriculture lands and making conforming amendments; and
- (5) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2812, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2812, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman).

SCRep. 2675 (Joint) Water and Land and Agriculture and Environment on S.B. No. 3114

The purpose and intent of this measure is to:

- (1) Give preference rights for an agricultural park lot and a non-agricultural park land lease to lessees who have made a significant improvement; and
- (2) Add the same preferences for a non-agricultural park land lease as those for an agricultural park lot lease.

Your Committees received testimony in support of this measure from Ulupalakua Ranch. Your Committees received comments on this measure from the Department of Agriculture and one individual.

Your Committees find that the current preference rights for agricultural park lots and other agricultural lands do not consider self-financed improvements made by lessees. This discourages lessees from using their own funds to make improvements near the end of a lease term. This measure will add preference rights to lessees who have made a significant improvement to their agricultural lands, which will improve agricultural productivity, promote agriculture, and increase agricultural self-sufficiency in the State.

Your Committees have amended this measure by:

- (1) Clarifying that significant improvement are improvements that further commercial agricultural operations and making conforming amendments;
- (2) Inserting a provision that requires the Department of Agriculture to define "significant improvement" in administrative rules and making conforming amendments; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3114, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3114, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman).

SCRep. 2676 (Joint) Water and Land and Agriculture and Environment on S.B. No. 3171

The purpose and intent of this measure is to:

- (1) Include objectives and policies and implementation guidelines for planning for the lei of green in the Hawaii State Planning Act; and
- (2) Appropriate funds for costs associated with researching, compiling, and submitting the status report on the lei of green policy.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, O'ahu Island Parks Conservancy, The Trust for Public Land, Life of the Land, Trees for Honolulu's Future, and one individual. Your Committees received comments on this measure from the Office of Planning.

Your Committees find that the lei of green was first brought forth by the renowned national planner Lewis Mumford to benefit the Territory of Hawaii, as a plan to link Honolulu's green parks, open space, recreation areas, and greenways mauka to makai along the shoreline, interconnected with tree-lined pedestrian paths for shade and climate control. While your Committees understand the importance of focusing the lei of green in the urban area of Honolulu from Diamond Head to Aloha Tower, your Committees believe that a lei of green plan should be considered at a statewide level.

Your Committees have amended this measure by:

- (1) Incorporating proposed changes from the Office of Planning by inserting language that extends the reporting requirement of the lei of green policy, including any proposed legislation, to twenty days prior to the Regular Session of 2022;
- (2) Incorporating proposed changes from the Office of Planning by inserting a \$400,000 appropriation amount;
- (3) Inserting an effective date of July 1, 2020; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3171, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3171, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman).

SCRep. 2677 Transportation on S.B. No. 2687

The purpose and intent of this measure is to improve roadways in the State by increasing the amount of the rental motor vehicle surcharge tax from \$5 to \$8 for any county with a resident population of more than 125,000, but less than 195,000 and setting aside the revenue from the increased surcharge tax for highway capacity projects in that county.

Your Committee received testimony in support of this measure from the Department of Transportation, five members of the Maui County Council, Maui Metropolitan Planning Organization Policy Board, and Maui Chamber of Commerce. Your Committee received testimony in opposition to this measure from Avis Budget Group, Inc. and Enterprise Holdings. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that traffic congestion is a serious problem that negatively affects the quality of life for residents and visitors in Hawaii. Your Committee further finds that visitors make up a large proportion of public highway users and that counties have been impacted differently by the level of visitors. For example, Maui county has the highest number of motor vehicle rentals on a per capital basis. Your Committee finds that this places a greater strain on Maui roads and further increases roadway congestion. Your Committee believes that it is prudent to raise revenue for necessary capital improvements to some of Hawaii's highways, which will relieve congestion and improve the quality of life for both residents and visitors. This measure will increase funding to improve roadways by increasing the surcharge tax on rental motor vehicles for counties with a certain population. Your Committee finds that the Department of Taxation requested that the measure be made effective no earlier than January 1, 2021 to provide sufficient time to make the necessary form, instruction, and computer changes. Your Committee further finds that based on the testimony from the Department of Transportation, the mayor of Maui County, and the Maui Metropolitan Planning Organization, the increased funds collected pursuant to this measure could be directed towards projects such as the Honoapiilani Highway realignment project on Maui.

Accordingly, your Committee has amended this measure by:

- (1) Changing the effective date to January 1, 2021; and
- (2) Prioritizing a project for which the funds generated could be used for.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2687, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2687, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (English).

SCRep. 2678 Transportation on S.B. No. 2693

The purpose and intent of this measure is to improve vehicle safety by codifying certain certification, renewal, and violation processes of vehicle inspectors who conduct vehicle safety inspections under the Department of Transportation of the City and County of Honolulu.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Department of Transportation and Department of Customer Services.

Your Committee finds that there is no statutory requirement in the Hawaii Revised Statutes, which standardizes the supervision and certification of vehicle inspectors. This measure requires the Director of Transportation to determine the minimum standards, certification, renewal, and violation processes for vehicle inspectors in the State. Your Committee finds that a financial penalty can be harsh on an inspector and that the threat of suspension of certificate would be sufficient to prevent unwanted behavior. Your Committee further finds that a first-time inspector's certification should last for a period of four years, then must be renewed every two years thereafter.

Your Committee has amended this measure by:

- (1) Removing the language levying fines on inspectors who are not properly conduct inspections; and
- (2) Extending the time a first time inspector certificate lasts from two to four years.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2693, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2693, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

SCRep. 2679 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2994

The purpose and intent of this measure is to improve traffic safety by establishing the Photo Red Light Imaging Detector Systems Program and authorizing the counties to administer the program.

Your Committees received testimony in support of this measure from the Department of Transportation; Honolulu Police Department; Department of Transportation Services; County of Hawaii, Office of the Mayor; Maui Police Department; Disability and Communication Access Board; Hawaii Public Health Institute; Blue Zones Project; AAA Hawaii, LLC; Hawaii Bicycling League; Mothers Against Drunk Driving; and twenty-one individuals. Your Committees received testimony in opposition to this measure from the Office of the Public Defender and two individuals. Your Committees received comments on this measure from the Department of Budget and Finance, Hawaii State Judiciary, and one individual.

Your Committees find that the prevalence of drivers violating Hawaii's traffic laws has become intolerable, particularly drivers who run red lights. These violations endanger the lives of motorists and pedestrians and compound the already hazardous conditions on Hawaii's roads and highways. Disregarding traffic signals has also been the common denominator in many recent, highly publicized motor vehicle crashes that have claimed several lives.

Your Committees further find that in jurisdictions in the United States, Canada, Europe, and other countries throughout the world, photo red light imaging detector systems have been proven safe, cost-effective, reliable, and efficient in identifying and deterring those who run red lights. No traffic stop is involved, and a police officer is not at risk from passing traffic or armed violators. With photo red light imaging detector systems, a camera is positioned at intersections where red light violations are a major cause of collisions and serves as a twenty-four-hour deterrent to running a red light. Sensors are buried under a crosswalk and lead to a self-contained camera system mounted on a nearby structure. When a vehicle enters the intersection against a red light, the camera takes a telephoto color picture of the rear of the car, capturing the license plate. A second wide-angle photograph takes in the entire intersection, including other traffic.

Your Committees further find that the photo speed imaging detector system created by Act 234, Session Laws of Hawaii 1998, and implemented in January 2002, generated intense public opposition. As a result of this opposition, the Legislature repealed Act 234 in its entirety. However, most of the opposition to this program resulted from the method by which the program was implemented. The public perceived that the program was operated more to maximize revenue for the vendor running the program than to improve traffic safety. In particular, vans in which the cameras were mounted were often placed at locations that did not necessarily have a history of speed-related accidents and instead were used to monitor locations with heavy traffic flow at lower speeds. This permitted the vendor to issue the maximum number of citations in the shortest period of time and at the least cost, thereby maximizing the potential return to the vendor without improving traffic safety.

Your Committees further find that Act 131, Session Laws of Hawaii 2019, created the red-light running committee, whose purpose was to "develop policy recommendations for red light running programs in the city and county of Honolulu, and the counties of Maui, Kauai, and Hawaii." After examining the red light running programs of Washington, Illinois, New York, and Florida, the red light running committee found that red light photo enforcement programs are a promising tool that, when implemented properly, can save lives and reduce injuries by changing drivers' behaviors and lead to safer driving habits. Based on their findings, the red-light running committee made several policy recommendations, which are reflected in this measure.

Your Committees report that the Hawaii State Judiciary testified that the measure be modified to eliminate ambiguities. Accordingly, your Committees have amended this measure by adding language that makes clear that the citations will be issued to the registered owner of the motor vehicle.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2994, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2994, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.
Transportation: Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (English).
Public Safety, Intergovernmental, and Military Affairs: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 2680 Commerce, Consumer Protection, and Health on S.B. No. 2273

The purpose and intent of this measure is to:

- (1) Provide purchasers of time shares with rescission rights if there is a material change to the information contained in the disclosure statement; and
- (2) Require developers to provide notice to the purchaser regarding any pertinent or material change made to the disclosure statement.

Your Committee received testimony in support of this measure from the American Resort Development Association. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that under existing law, a developer must submit any proposed changes to its disclosure statement to the Department of Commerce and Consumer Affairs (Department) for review and acceptance prior to providing the amended disclosure statement to purchasers. Purchasers who have entered into binding contracts, but whose sales have not yet closed, are not aware of these material changes while the Department is reviewing the amended disclosure statement. Accordingly, this measure would require notice of pertinent or material changes to purchasers and give purchasers a seven calendar day right to rescind a sales contract if, prior to the closing, there is a material change in the plan.

Your Committee has amended this measure by:

- (1) Clarifying that the developer shall deliver to a purchaser by certified mail a description of the material change and a rescission form;
- (2) Clarifying that the rescission period shall end seven calendar days after the purchaser's receipt of the notice of material change;
- (3) Clarifying that in the event of a valid exercise of a purchaser's right of rescission, the purchaser shall be entitled to a prompt and full refund of any moneys paid; provided that the developer may withhold up to \$25 in the event the purchaser does not return all materials to the developer; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2273, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2273, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

SCRep. 2681 Commerce, Consumer Protection, and Health on S.B. No. 2896

The purpose and intent of this measure is to clarify prohibited actions related to anatomical gifts.

Your Committee received testimony in support of this measure from the Department of Health and University of Hawai'i System.

Your Committee finds that this measure will protect vulnerable donors and their loved ones from making anatomical gifts to people or entities other than recipients who are capable of handling bodies with care and respect for legitimate medical or research purposes. Your Committee also finds that this measure will prevent body donations to people or entities who may not take the necessary steps to create a death certificate and obtain a disposition permit for the body.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2896, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2896, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2682 Commerce, Consumer Protection, and Health on S.B. No. 2884

The purpose and intent of this measure is to increase the balance that may be retained in the Public Utilities Commission Special Fund at the end of each year from \$1,000,000 to \$3,000,000.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Public Utilities Commission, Ulupono Initiative, and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that, under existing law, all funds in the Public Utilities Commission Special Fund in excess of \$1,000,000 are transferred to the general fund at the end of every fiscal year. The Public Utilities Commission Special Fund is the primary source of funding for the Public Utilities Commission (PUC) and the Division of Consumer Advocacy (DCA) programs. This \$1,000,000 carry over balance was established by statute in 1994 and has not kept pace with the PUC's increase in size, in terms of both responsibilities and operational costs. To address the complex issues associated with Hawaii's clean energy transition and other ongoing matters before the PUC, the necessary funds for consultant contracts and other similar expenses have grown. By way of comparison, the PUC's approved budget has increased over two hundred twenty percent between 1994 and 2021.

Your Committee further finds that fees collected from public utilities are deposited into the PUC Special Fund at the end of July and December. Because the funds in excess of \$1,000,000 as of June 30 each year lapse to the credit of the general fund, this has created a timing issue, as the \$1,000,000 carry over balance is no longer sufficient to meet the PUC's start-of-year expenses, which include statutory obligations, payroll, and other operational expenses that tend to occur at the beginning of each fiscal year, such as the encumbering of annual contracts. This measure helps ensure that the PUC has enough cash on hand at the start of each fiscal year to pay its expenses within the currently approved limits.

Your Committee lastly notes that this measure would not change the total deposits collected under the Public Utility Fee or legislative appropriations for either the PUC or the DCA.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2884 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 2683 Judiciary on S.B. No. 3080

The purpose and intent of this measure is to appropriate supplemental funds for capital improvement costs of the Judiciary for the fiscal biennium beginning July 1, 2019, and ending June 30, 2021.

Your Committee received testimony in support of this measure from the Judiciary, Legal Aid Society of Hawai'i, and Hawai'i Access to Justice Commission. Your Committee received testimony in opposition to this measure from one individual.

CAPITAL IMPROVEMENT BUDGET

Your Committee finds that capital improvement project requirements remain an item of concern as the Judiciary's infrastructure continues to age and deteriorate, and as the population served and services provided by the Judiciary keep expanding. Your Committee approves funding to upgrade and modernize the fire alarm system and elevators of Ka'ahumanu Hale in the First Circuit, and renovation of and security improvements to the Ka'ahumanu Hale Sheriff Station. Your Committee also approves the Judiciary's request for funding for parking structure improvements to the Hoapili Hale in the Second Circuit and repairs to damages at the Pu'uho'oua Kaulike in the Fifth Circuit. Your Committee additionally approves of funding for improvements to Judiciary facilities statewide.

Your Committee has amended this measure by:

- (1) Correcting the total amount of capital improvement project funding for FY 2019-2021 to reflect an increase of \$27,700,000; and
- (2) Making technical, nonsubstantive amendments to insert missing language and conforming language for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3080, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3080, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2684 Judiciary on S.B. No. 2074

The purpose and intent of this measure is to propose an amendment to the Constitution of the State of Hawaii to authorize the Legislature to establish a surcharge on taxation of real property near rapid transit stations for the purpose of funding infrastructure improvements in those areas.

Your Committee received testimony in support of this measure from the Building Industry Association of Hawaii. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS® and one individual. Your Committee received comments on this measure from the Office of Planning and Tax Foundation of Hawaii.

Your Committee finds that article VIII, section 3, of the Hawaii State Constitution delegates the exercise of all functions, powers, and duties relating to the taxation of real property exclusively to the counties, with the exception of Kalawao. As the State constructs more rapid transit systems, sources of funding remains a constant concern. This measure proposes an amendment to the Constitution to allow the State to impose taxation of real property near rapid stations for the purpose of funding infrastructure improvements in those areas. Your Committee notes that although future legislation would be required to be enacted to specify the extent to which such taxation might occur, the existing language in this measure is overly broad.

Accordingly, your Committee has amended this measure by specifying that the Legislature may establish, as provided by law, a surcharge on real property taxes for real property parcels located within one mile at their nearest point of any rapid transit station to fund infrastructure improvements needed to support or accommodate the transit station or new residential or commercial development resulting from proximity to the transit station; provided further that a surcharge on any such real property parcel shall be established solely to fund improvements in the area of the transit station, which makes the parcel eligible for the surcharge.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2074, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2074, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Keohokalole, Kim). Noes, none. Excused, 1 (Fevella).

SCRep. 2685 Judiciary on S.B. No. 2989

The purpose and intent of this measure is to allow candidates seeking election for state- and county-level offices to use campaign funds for child care costs, under certain conditions.

Your Committee received testimony in support of this measure from the Hawaii State Commission on the Status of Women, Common Cause Hawaii, Breastfeeding Hawaii, Midwives Alliance of Hawaii, and five individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Campaign Spending Commission.

Your Committee finds that parenthood should not be a barrier to political office. Allowing candidates to use campaign funds to defray the high costs of child care that is needed for the candidate to participate in campaign activities will encourage more women and low-income candidates to run for office. This measure will help to clear a restrictive financial barrier to public offices for parents and guardians of child dependents.

Your Committee has amended this measure by:

- (1) Deleting language that would have restricted the use of campaign finances for child care costs to candidates running for specific state- and county-level offices;
- (2) Authorizing that campaign funds may be used for child care costs only if such costs would not occur but for the candidate's participation in the candidate's own campaign activity;
- (3) Deleting language that would have limited the use of campaign funds for child care expenses to weekends or after 3:00 p.m. on weekdays;
- (4) Allowing campaign funds to be used for childcare costs of a candidate beginning January 1 of the election year and ending one day after the date of the election in which the candidate was participating;
- (5) Prohibiting immediate family members from being the care giver receiving campaign funds for child care expenses;
- (6) Inserting definitions for "child", "child care", and "immediate family member";
- (7) Deleting language relating to child care costs under the prohibition of use of campaign funds for personal expenses;
- (8) Inserting an effective date of January 1, 2022; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2989, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2989, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2686 Labor, Culture and the Arts on S.B. No. 2251

The purpose and intent of this measure is to create a separate bargaining unit for water safety and ocean safety officers (Bargaining Unit 15).

Your Committee received testimony in support of this measure from the Department of Human Resources, City and County of Honolulu; Kaua'i Fire Department; Hawaii Government Employees Association, AFSCME Local 152; Hawaiian Lifeguard Association; and one individual.

Your Committee finds that law enforcement officers and ocean and water safety officers currently fall within collective bargaining Unit 14. Law enforcement officers are armed personnel who are trained to execute law enforcement services statewide. In contrast, ocean safety and water safety officers are not armed and do not provide law enforcement services. Combining the specialized needs of law enforcement and ocean safety in one unit is impractical as they are two distinct occupational classes. Your Committee also finds that the specialized needs of law enforcement officers and ocean safety and water safety officers would be better addressed through separate bargaining units.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2251 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 2687 (Joint) Energy, Economic Development, and Tourism and Commerce, Consumer Protection, and Health on S.B. No. 2818

The purpose and intent of this measure is to require, and appropriate funds for, the Public Utilities Commission to contract with the Hawaii Natural Energy Institute of the University of Hawaii to conduct a study regarding renewable gas to determine economic and technical feasibility of the use of renewable gas by gas utility companies.

Your Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs; University of Hawai'i System; Hawaii State Energy Office; Hawaii Bioeconomy Trade Organization; Coalition for Renewable Natural

Gas; Hawai'i Gas; Par Hawaii; Ulupono Initiative; Blue Planet Foundation; Hawaii Electric Company, Inc.; and fourteen individuals. Your Committees received testimony in opposition to this measure from the Life of the Land, 350Hawaii, Progressive Democrats of Hawaii, Our Revolution Hawaii, and four individuals. Your Committees received comments on this measure from the Public Utilities Commission.

Your Committees find that Hawaii's energy sector is transitioning to renewable energy as a means to expand and diversify the State's economy, environment, and security, while reducing greenhouse gas emissions. Your Committees believe that to complete the transition to renewable energy completely and successfully, and to ensure consumers are not harmed by unreasonably increasing energy costs, it is important that all relevant entities are aligned to the extent economically feasible. This measure will assist the State in reaching its renewable energy goals by requiring a study to attain additional information regarding the feasibility of the State's renewable energy goals.

Your Committees have amended this measure by:

- (1) Requiring the Hawaii State Energy Office, instead of the Public Utilities Commission, to conduct an independent renewable gas study;
- (2) Clarifying that the study considers required regulated and unregulated gas utilities company infrastructure improvements and additions;
- (3) Clarifying that the study of any renewable gas policy framework should ensure the timely recovery of reasonable costs attributable to renewable gas;
- (4) Changing the source of funding for the study from the public utilities commission special fund to the energy security special fund; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2818, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2818, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 2688 (Joint) Energy, Economic Development, and Tourism and Commerce, Consumer Protection, and Health on S.B. No. 2098

The purpose and intent of this measure is to appropriate funds to the Department of Business, Economic Development, and Tourism to provide support to the local sea salt manufacturing industry by helping to fund a study that will assist in obtaining federal Food and Drug Administration approval for the use of color additives in sea salt; provided that the industry contributes fifty percent of the cost of the study.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; H.K. Enterprise Group, Inc.; J's Hawaii Inc.; Chamber of Commerce Hawaii; Salty Wahine Gourmet Hawaiian Sea Salts; and two individuals.

Your Committees find that the popularity of sea salt made in Hawaii is on the rise. Your Committees further find that the Food and Drug Administration's (FDA) industry guidance on the use of color additives in sea salt products indicates that sea salt manufacturers who intend to use color additives that are not currently approved for food use should first obtain approval through the FDA's color additive petition process. Based on the testimony of the Department of Business, Economic Development, and Tourism, to obtain FDA approval for the use of color additives Hawaii sea salt companies will require a lengthy and costly study to be conducted and submitted to the FDA for review. This measure will facilitate the continued success of Hawaii sea salt companies by appropriating funds to provide education and support regarding the FDA's industry guidance on colored sea salt.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2098 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4; Ayes with Reservations (Taniguchi). Noes, none. Excused, 1 (Fevella).

Commerce, Consumer Protection, and Health: Ayes, 4; Ayes with Reservations (Baker). Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 2689 Education on S.B. No. 2782

The purpose and intent of this measure is to:

- (1) Require the Department of Education to establish a plant-based food and beverage program;
- (2) Authorize the payment of quarterly allotments of funds or limit the amount of the award to participating public school;
- (3) Make participation in the program voluntary;
- (4) Require the Department of Education to establish rules to carry out the purposes of the program; and

- (5) Appropriate an amount to implement the program.

Your Committee received testimony in support of this measure from the Department of Education, 350Hawaii.org, Climate Protectors Coalition, and ten private individuals.

Your Committee finds that offering plant-based food and beverages is an important option which would provide healthy and wholesome food for public school students. The Department of Education has begun working towards serving more plant-based food options, and is currently doing research for menu items that use plant-based substitutes for meat and has begun training its cafeteria workers on building the skills needed to make both plant and non-plant-based meals for the students. This measure aids in the ongoing effort.

Your Committee has amended this measure to include it as an amendment to chapter 302A of the Hawaii Revised Statutes and by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2782, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2782, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2690 Energy, Economic Development, and Tourism on S.B. No. 2556

The purpose and intent of this measure is to:

- (1) Clarify the calculation of the renewable energy technologies income tax credit for commercial solar energy systems;
- (2) Provide that the value of the renewable energy technologies tax credit for eligible utility-scale renewable energy projects shall be based on the credit value and cap that were in effect as of July 1, 2020; and
- (3) Provide that an eligible utility-scale renewable energy project shall not be eligible to collect the tax credit if they entered in a contract after December 31, 2018.

Your Committee received testimony in support of this measure from AES Distributed Energy, SanHi Government Strategies, and Clearway Energy Group. Your Committee received comments on this measure from the Department of Taxation, Hawaii State Energy Office, Tax Foundation of Hawaii, Hawaii Electric Company, Inc.

Your Committee finds that Act 97, Session Laws of Hawaii 2015, set a statewide goal to reach one hundred percent renewable energy by 2045 throughout the State. In order to meet this ambitious goal, your Committee believes that the State must continue to support utility-scale renewable energy projects that benefit residents and ratepayers. Your Committee further finds that there are sixty utility-scale renewable energy projects feeding into the State's power grids, and many more are projected for completion in the next several years. Your Committee notes that despite the great efforts to reach one hundred percent renewable energy, the State continues to depend heavily on imported petroleum for its energy needs. This measure will assist the State in reaching its one hundred percent renewable energy goal by clarifying the calculation of the renewable energy technologies tax credit and ensuring that certain renewable energy projects obtain the tax credit, regardless of any changes to existing law.

Your Committee has amended this measure by:

- (1) Clarifying that a utility-scale renewable energy project can only receive the tax credit if they have a power purchase agreement that is either approved by a decision or order by the public utilities commission or has filed with, or is pending approval from, the Public Utilities Commission prior to December 31, 2019; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2556, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2556, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

SCRep. 2691 Energy, Economic Development, and Tourism on S.B. No. 2559

The purpose and intent of this measure is to:

- (1) Authorize the State Energy Office to enter into contracts with certain non-profit organizations to create a plan and administer the energy security special fund; and
- (2) Increase the amount of funds deposited into the energy security special fund from the state environmental response, energy, and food security tax.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office; University of Hawai'i System; Environmental Caucus of the Democratic Party of Hawaii; Our Revolution Hawaii; Climate Protectors Coalition; Elemental Exceleator; We Are One, Inc; 350Hawaii; and fifteen individuals. Your Committee received comments on this measure from the Department of Budget and Finance and Tax Foundation of Hawaii.

Your Committee finds that the development and utilization of innovative technologies is imperative for the State to reach its renewable energy goals by 2045. Your Committee believes that public private partnerships are crucial to meeting the State's renewable

energy goals as they support the development and commercialization of technology to assist the State reach its zero emissions target. This measure will expand on existing resources in the State to facilitate technology development for future project deployment and commercialization through public private partnerships and provide more funding to be used for such projects.

Your Committee has amended this measure by:

- (1) Requiring, among other things, a non-profit organization to support the commercialization of technologies that further the State's agriculture goals;
- (2) Requiring the Hawaii State Energy Office, instead of the Department of Business, Economic Development, and Tourism, to submit a report to the Legislature on the status and progress of existing programs and activities of new programs and activities that are funded by the energy security special fund;
- (3) Providing the Hawaii State Energy Office all necessary powers to enter into contracts, including the power to acquire, hold, and sell qualified securities; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2559, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2559, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

SCRep. 2692 Energy, Economic Development, and Tourism on S.B. No. 2922

The purpose and intent of this measure is to:

- (1) Repeal the misdemeanor penalty for failing to obtain a transient accommodations tax registration identification number and replace it with a monetary fine;
- (2) Apply personal liability for certain controlling officers;
- (3) Replace the term "operator or plan manager" with "person" or "taxpayer";
- (4) Broaden the definition of "operator"; and
- (5) Repeal references to filing of returns and remittance of payments to specific taxation districts.

Your Committee received testimony in support of this measure from the Department of Taxation. Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that many provisions in the transient accommodations tax law are outdated and must be updated to ensure the proper administration of the transient accommodations tax. This measure addresses any discrepancies in the transient accommodations tax law due to outdated law, conforms the law to recent changes, and clarifies other provisions to ease administration for the Department of Taxation.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2922, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2922, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2693 Energy, Economic Development, and Tourism on S.B. No. 3005

The purpose and intent of this measure is to appropriate funds for operating expenses of the Department of Business, Economic Development, and Tourism.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Hawaii State Energy Office; Office of Planning; University of Hawai'i System; Aloha Stadium Board; Hawaii Technology Development Corporation; Chamber of Commerce Hawaii; Oceanit; Makai Ocean Engineer, Inc.; Adnoviv, Inc.; Hawaii Venture Capital Association; Aloha Edibles, Inc; Mana Up; Nalu Scientific, LLC; Spectrum Photonics; Purple Mai'a Foundation; Blue Startups; Sultan Ventures; Hawaii Business Group Incorporated; RevaComm, Inc.; Hyperspective Studios, Inc.; Island Plastic Bags, Inc.; Hawai'i Innovation Lab; Experiad; Coastal Windows, Inc.; Island Maid, Inc.; Hawaii Aquaculture and Aquaponics Association; NMG Network; Referentia Systems Incorporated; TRUE Initiative, Hawaii Executive Collaborative; Premier Solutions HI, LLC; Tow Choice; Diamond Bakery Co., Ltd.; and nine individuals.

Your Committee finds that this measure expresses adjustments to the programs or positions included, maximum sums appropriated or authorized, or means of financing indicated for the Department of Business, Economic Development, and Tourism in the Supplemental Appropriations Act of 2020.

Your Committee's intent in recommending this measure for passage is for the adjustments expressed to be incorporated into the Supplemental Appropriations Act of 2020 or other appropriate legislative vehicle or to be adopted separately. As such, your

Committee requests your Committee on Ways and Means to incorporate the adjustments expressed by this measure into the appropriate legislative vehicle or amend this measure to include any provisions necessary to effectuate its purpose and intent.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3005 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

SCRep. 2694 (Joint) Energy, Economic Development, and Tourism and Water and Land on S.B. No. 2915

The purpose and intent of this measure is to allocate a portion of the transient accommodations tax revenues to the Department of Land and Natural Resources to cover lifeguard service expenses incurred at state park beaches.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Honolulu Emergency Services Department, Department of Fire and Public Safety of the County of Maui, Ocean Safety and Lifeguard Services Division of the City and County of Honolulu, Hawai'i Fire Department, and three individuals. Your Committees received comments on this measure from the Kohala Coast Resort Association.

Your Committees find that the tourism industry in Hawaii continues to grow, as visitor interest in Hawaii have surpassed previous records. In 2019, the State saw over ten million visitors for the first time in Hawaii's history. Despite the significant increase in visitors, funding for safeguard measures, such as lifeguards and life-saving equipment for state beach parks remain insufficient to provide the necessary protection for residents and visitors of the State. The significant increase in visitors require better safeguards to not only protect Hawaii's cultural and natural resources, but its residents and visitors as well. Your Committees believe that as a large recipient of the revenues from the tourism industry, the transient accommodations tax will provide necessary increases in funding for safeguard measures around the State, thereby ensuring the protection of residents and visitors of the State.

Your Committees have amended this measure by:

- (1) Inserting an appropriation of \$5,000,000 from the state parks special fund for lifeguard services at state beach parks; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2915, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2915, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

SCRep. 2695 (Joint) Energy, Economic Development, and Tourism and Higher Education on S.B. No. 2547

The purpose and intent of this measure is to:

- (1) Require the Hawaii Natural Energy Institute of the University of Hawaii to conduct a feasibility study on the State's ability to achieve its goal of producing one hundred percent of its electricity from renewable energy; and
- (2) Appropriate funds to conduct the study.

Your Committees received testimony in support of this measure from the Hawaiian Electric Company, Inc; Americans for Democratic Action; and one individual. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs and University of Hawai'i System.

Your Committees find that the State is highly susceptible to the negative effects of climate change. It is important for the State to transition away from imported fuels and move toward local renewable energy sources. Your Committees further find that to decrease the State's dependence on fossil fuels, the Legislature passed Act 97, Session Laws of Hawaii 2015, which requires all electric utility companies to establish a renewable portfolio standard of one hundred percent of its net electricity sales by 2045. However, it is unclear how feasible this goal is for the State. Your Committees believe that more extensive research needs to be done in order to understand the possibility of reaching a renewable portfolio standard of one hundred percent by 2045. This measure will provide the guidance to conduct a study of the State's ability to achieve its goal of producing one hundred percent of its electricity from renewable energy sources by 2045.

Your Committees note that according to testimony from the Department of Commerce and Consumer Affairs, the Public Utilities Commission is mandated to work regularly with the Hawaii Natural Energy Institute of the University of Hawaii to provide findings and recommendations regarding the State's ability to achieve the renewable portfolio standard and that an appropriation is not necessary for the Institute to conduct a study as required by this measure.

Accordingly, your Committees have amended this measure by:

- (1) Deleting the appropriation clause; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2547, as

amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2547, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Inouye, Taniguchi).

Higher Education: Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Keith-Agaran, Kidani).

SCRep. 2696 Energy, Economic Development, and Tourism on S.B. No. 3008

The purpose and intent of this measure is to exempt hydrogen fuels from measurement standard requirements.

Your Committee received testimony in support of this measure from the Hawaii Automobile Dealers' Association and Servo Pacific, Inc.

Your Committee finds that hydrogen, as a renewable fuel, offers great potential in the State. However, your Committee further finds that existing law regarding exemptions from measurement standards for fuel is broad and does not expressly exclude hydrogen, meaning that hydrogen must be sold on the basis of measure. Your Committee notes that there is currently no means for the State to measure and certify a hydrogen dispenser. The supporting infrastructure is not in place, technical expertise is needed, and equipment needs to be imported for the State to properly measure and certify hydrogen dispensers. This measure will help promote the development of more hydrogen stations and assist the State in utilizing other forms of renewable fuels by exempting hydrogen from measurement standard requirements relating to fuel.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3008, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3008, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

SCRep. 2697 Energy, Economic Development, and Tourism on S.B. No. 3024

The purpose and intent of this measure is to:

- (1) Authorize the Chief Energy Officer to adopt rules to enforce minimum efficiency standards for certain products; and
- (2) Regulate the appliance efficiency standards for air purifiers and portable electric spas.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office, Hawai'i Energy Program, and Blue Planet Foundation. Your Committee received testimony in opposition to this measure from the Association of Home Appliance Manufacturers. Your Committee received comments on this measure from the Plumbing Manufacturers International and Consumer Technology Association.

Your Committee finds that Hawaii has one of the highest costs of living in the nation. The high cost of living in Hawaii deters residents who were born and raised in the State from staying and causes them to move to less expensive places. This adds to the importance of adopting policies that promote and encourage energy efficiency, which can provide relief for families and businesses faced with high utility bills. In 2019, the Legislature passed Act 141, Session Laws of Hawaii 2019, which established minimum energy and water efficiency standards for certain products sold, leased, or rented in the State. These standards are estimated to result in more than \$500,000,000 in cumulative utility bill savings over the next fifteen years. This measure will expand the list of products requiring minimum efficiency standards, thereby helping residents save more on utility bills annually.

Your Committee has amended this measure by:

- (1) Removing language that would have authorized the Chief Energy Officer to adopt or amend appliance efficiency standards for any products, with certain limitations;
- (2) Clarifying that no new computer or computer monitor, faucet, high color rendering index fluorescent lamp, showerhead, or spray sprinkler body manufactured on or after January 1, 2021, may be sold or offered for sale, lease, or rent in the State unless the efficiency of the new product meets or exceeds the efficiency standards; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3024, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3024, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

SCRep. 2698 Commerce, Consumer Protection, and Health on S.B. No. 2901

The purpose and intent of this measure is to increase the early identification of children with hearing or vision loss by establishing consistent protocols for hearing and vision screening and follow-up, screener training, and data collection for quality improvement.

Your Committee received testimony in support of this measure from the Department of Health, Department of Education, Executive Office on Early Learning, State Council on Developmental Disabilities, Early Learning Board, Hawaii Speech and Hearing Association, and one individual.

Your Committee finds that the early identification of hearing and vision loss, with appropriate follow-up services, is critical for the development of children's language and communication skills needed for learning in school. The Department of Health operated a hearing and vision program for school children from 1978 to 1995, but the program ended due to budget reductions and with the assumption that primary care providers would provide the hearing and vision screening. Currently, primary care providers and community programs vary regarding protocols for hearing and vision screening and follow-up; screeners vary in their training and skills for conducting screenings; and there is no uniform data collection for quality improvement. This measure further improves hearing and vision screening for children in the State by establishing consistent protocols for screenings and comprehensive data collecting and reporting.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2901, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2901, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2699 Commerce, Consumer Protection, and Health on S.B. No. 2425

The purpose and intent of this measure is to repeal the sunset date of Act 196, Session Laws of Hawaii, 2018, so the statutory amendments remain permanent.

Your Committee received testimony in support of this measure from the Real Estate Commission, Hawaii Council of Associations of Apartment Owners, Community Associations Institute, and eight individuals.

Your Committee finds that Act 196, Session Laws of Hawaii, 2018 (Act 196), made amendments to the Hawaii Revised Statutes that made mediation and voluntary binding arbitration of condominium disputes more effective and more widely used. Alternative dispute resolution is a valuable self-governance tool for maintaining productive and well-functioning condominium associations. This measure would make permanent the provisions of Act 196 to permit parties to continue to participate in alternative dispute resolution.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2425, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2425, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2700 Commerce, Consumer Protection, and Health on S.B. No. 2897

The purpose and intent of this measure is to increase the marriage license fee to support the Department of Health's birth defects program, fund modernization of the vital statistics system, and more fairly compensate marriage license agents.

Your Committee received testimony in support of this measure from the Department of Health.

Your Committee finds that the Department of Health is mandated, under its birth defects program, to collect surveillance information on birth defects; report the incidence, trends, and causes of birth defects; and report information for the development of prevention strategies to reduce the incidence of birth defects. However, without additional funding, the program will not have sufficient funding for operating expenses beginning fiscal year 2020-2021.

Your Committee further finds that the vital statistics registration system is over twenty years old and needs to be replaced to support more efficient processing of requests. However, the monies in the vital statistics improvement special fund are not sufficient for the modernization and automation of the vital statistics system and to offset costs for the daily operations of the system of vital statistics. Additionally, the current compensation for non-civil service marriage license agents has not changed since 1998 and is not enough to meet the operating costs of marriage license agents. Increasing the marriage license fee will ensure that the Hawaii birth defects program continues to be supported, the vital statistics system can be updated and modernized, and marriage license agents are more fairly compensated.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2897, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2897, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2701 Commerce, Consumer Protection, and Health on S.B. No. 2421

The purpose and intent of this measure is to repeal the sunset provision of Act 195, Session Laws of Hawaii, 2018, permanently codifying the amendments to sections 514B-105, 514B-146, and 667-94, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Hawaii Council of Associations of Apartment Owners, Community Associations Institute, Associa, Kokua Council, Hui 'Oia 'i'o, and fourteen individuals.

Your Committee finds that Act 195, Session Laws of Hawaii, 2018 (Act 195), created important and effective rules relating to association foreclosures on condominiums and that the amendments made therein should remain permanent. When an owner is referred to a condominium association's attorney for a non-existent violation that has resulted in excessive fees and interest, the financial hardships this creates can, for many, result in the owner's loss of their condominium through a non-judicial foreclosure. Act 195 provides a desperately needed incentive for boards of directors to have a dialogue with owners. This measure makes permanent the amendments made by Act 195 to help protect owners from being required to pay before they dispute charges, fees, penalties, interest, fines, and other non-common element charges, and from being victimized by the wrongful priority of payments procedures.

Your Committee has amended this measure by inserting an effective date of June 29, 2020.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2421, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2421, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2702 Commerce, Consumer Protection, and Health on S.B. No. 2772

The purpose and intent of this measure is to update the definition of "usable cannabis" to mean the dried leaves and flowers of a plant from the genus Cannabis.

Your Committee received testimony in support of this measure from the Department of Health; Kush Hawaii; We are One, Inc.; The Drug Policy Forum of Hawai'i; and four individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Akamai Cannabis Clinic.

Your Committee finds that the State exercised its authority to decide the medical use of controlled substances in 2000 when it created a state-regulated medical use of cannabis program. Since then, improvements to the program have helped to clarify its original intent to ensure safe and legal access to medical cannabis to qualified patients. Therefore, it is necessary to update the definition of "usable cannabis" to ensure that a qualified patient can decide what constitutes the usable materials for the patient's preferred form of cannabis medicine.

Your Committee has amended this measure by clarifying the definition of "usable cannabis" to allow a qualified patient to designate the necessary form of cannabis for medical use.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2772, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2772, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 7. Noes, none. Excused, none.

SCRep. 2703 Commerce, Consumer Protection, and Health on S.B. No. 2787

The purpose and intent of this measure is to authorize the Department of Health to issue:

- (1) Permits to medical cannabis dispensaries for the delivery of medical cannabis and manufactured cannabis products to qualifying patients or primary caregivers under certain conditions; and
- (2) Medical cannabis transporter licenses in specific situations.

Your Committee received testimony in support of this measure from the Hawai'i Cannabis Industry Association, Big Island Grown Dispensaries, Kush Hawaii, The Drug Policy Forum of Hawai'i, and five individuals. Your Committee received testimony in opposition to this measure from PATIENTS WITHOUT TIME and one individual. Your Committee received comments on this measure from the Department of the Attorney General, Department of Health, and Akamai Cannabis Clinic.

Your Committee finds that in 2015, Hawaii established a licensing scheme for a statewide system of medical cannabis dispensaries to ensure access to medical cannabis for qualifying patients. However, since the establishment of medical cannabis dispensaries, some qualifying patients and primary caregivers continue to have difficulty physically getting to a retail dispensing location due to transportation issues, their physical disability and pain, or geographic distance. This measure provides for a safe, secure, and transparent system for qualifying patients and primary caregivers to have medical cannabis and manufactured cannabis products delivered to their homes.

Your Committee has amended this measure by:

- (1) Inserting language that requires a dispensary with a valid medical cannabis delivery permit to track the medical cannabis or manufactured cannabis products being delivered on its computer software tracking system;
- (2) Inserting language to require medical cannabis transporter licensees to follow the tracking requirements, among other requirements, for the delivery of medical cannabis or manufactured cannabis products;

- (3) Inserting language to include medical cannabis transporter licensees to the list of persons requiring background checks; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2787, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2787, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 2704 Commerce, Consumer Protection, and Health on S.B. No. 2024

The purpose and intent of this measure is to:

- (1) Allow for a process to remediate any batch of cannabis that fails laboratory testing standards so long as any final product passes all such laboratory standards;
- (2) Authorize licensed retail dispensaries to sell edible cannabis products under certain conditions; and
- (3) Authorize licensed dispensaries to circulate, sponsor, and promote educational and scientific information and events related to cannabis.

Your Committee received testimony in support of this measure from the Hawai'i Cannabis Industry Association, Aloha Green Holdings Inc., Crop to Kitchen, Kush Bottles Hawaii, and eight individuals. Your Committee received testimony in opposition to this measure from the Honolulu Police Department and three individuals. Your Committee received comments on this measure from the Department of the Attorney General, Department of Health, and Akamai Cannabis Clinic.

Your Committee finds that the regulated statewide dispensary system for medical cannabis was established on July 14, 2015, as Act 241, Session Laws of Hawaii 2015, to ensure safe and legal access to medical cannabis of qualifying patients. Since then, the experience of the program indicates that improvements to the law will help to clarify its original intent by ensuring smooth administration of the law and allowing for adequate patient access based on experiences in other states.

Your Committee has amended this measure by:

- (1) Clarifying that the Department of Health shall consider requests from a licensed medical cannabis dispensary to allow the remediation of a batch of medical cannabis or manufactured medical cannabis product, under certain conditions;
- (2) Clarifying the definition of "edible cannabis products" to mean manufactured cannabis products intended for gastrointestinal administration of any cannabinoid extracted from the cannabis plant and regulated as manufactured cannabis products and not as "food";
- (3) Inserting language that requires all medical cannabis products to be regulated and approved by the Department of Health and meet certain requirements established by rules;
- (4) Inserting language that establishes certain requirements for the Department of Health relating to edible cannabis products;
- (5) Clarifying that the Department of Health is authorized to allow dispensaries to provide, sponsor, and promote educational and scientific information and events related to cannabis; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2024, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2024, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2705 Commerce, Consumer Protection, and Health on S.B. No. 2009

The purpose and intent of this measure is to place a cap on the amount that an insured is required to pay for a prescription insulin drug at \$100 per thirty-day supply of that drug.

Your Committee received testimony in support of this measure from AARP Hawaii and one individual. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Board of Trustees of the Hawaii Employer-Union Health Benefits Trust Fund, and Hawaii Medical Service Association.

Your Committee finds that many Americans are struggling to afford necessary prescription drugs. Hawaii has a high rate of diabetes and many diabetic residents require daily insulin to stay healthy and alive. This measure will help reduce out-of-pocket costs by capping a thirty-day supply of insulin at \$100. Your Committee additionally notes that this measure clarifies existing drug benefits and does not mandate a new benefit that would be subject to an impact assessment report.

Your Committee has amended this measure by:

- (1) Clarifying that the \$100 cost-share limit shall apply to in-network purchases of prescription insulin drugs covered under the health insurance policy or contract's formulary;
- (2) Clarifying that this measure shall be exempt from the Auditor's impact assessment report requirement under section 23-51, Hawaii Revised Statutes;

- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2009, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2009, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Nishihara).

SCRep. 2706 (Joint) Transportation and Commerce, Consumer Protection, and Health on S.B. No. 3055

The purpose and intent of this measure is to improve the quality of life in the State by requiring a transition to silent, clean electric mopeds by prohibiting a retailer from selling or offering for sale combustion engine-powered mopeds beginning January 1, 2022.

Your Committees received testimony in support of this measure from the Department of Transportation, Pearl City Neighborhood Board, Big Island Electric Vehicle Association, and one individual. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Office of the Attorney General.

Your Committees find that noise pollution is a serious problem affecting quality of life, particularly in urban areas. Loud internal combustion engine mopeds are significant contributors which have raised ongoing concerns in communities throughout the State. Unlike many larger motorcycles with greater engine displacement and robust exhaust baffling, even mopeds with factory mufflers can still be many times louder and noisier than most vehicles on the road. Your Committees further find that loud internal combustion engine mopeds, particularly extremely inefficient two stroke engines, compose a small fraction of all vehicles but can produce pollution at factors thousands of times higher than other vehicle classes. The particulate matter they produce reduces urban air quality, damages health, and contributes to climate change.

Your Committees further find that cities around the world have already begun to phase out noisy and polluting internal combustion engine mopeds in favor of clean and quiet electric mopeds. Cities as large as Beijing, China, have already completed the conversion, which has significantly reduced urban noise pollution and visibly increased air quality. Clean and quiet electric mopeds without complicated internal combustion engines also allow drivers to reduce their cost of maintenance and, with the ability to recharge the hand-held portable batteries of mopeds at any regular wall outlet, reduce the cost of fuel and operation for drivers compared to internal combustion engines. This measure improves the quality of life in the State by requiring a transition to silent, clean electric mopeds by prohibiting a retailer from selling or offering for sale combustion engine-powered mopeds beginning January 1, 2022.

Your Committees note that the Office of the Attorney General testified that this measure could possibly conflict with the federal Clean Air Act, which preempts states from setting emissions standards for vehicles. Your Committees wish to further discuss this measure and request that the Judiciary Committee examine the conflict issue and determine whether the measure can be written as a regulation on noise rather than emissions. Accordingly, your Committees have amended this measure by inserting an effective date of July 1, 2025, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Transportation and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3055, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3055, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.
Transportation: Ayes, 4. Noes, none. Excused, 1 (English).
Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Ruderman, Wakai).

SCRep. 2707 (Joint) Transportation and Commerce, Consumer Protection, and Health on S.B. No. 2925

The purpose and intent of this measure is to improve airport services by amending existing law to:

- (1) Permit airports to accept debit cards and online electronic payments to pay for airport charges;
- (2) Allow the airports to pay for the related processing fees and charges; and
- (3) Allow the imposition of processing fees on users for online electric payments.

Your Committees received testimony in support of this measure from the Department of Transportation.

Your Committees find that currently, the airport only accepts payments of cash or check for any airport charges. Your Committees further find that Daniel K. Inouye International Airport and airports on other islands have requested that they be allowed to accept credit cards for airport charges. This measure will make the process of payments easier for tenants.

As affirmed by the records of votes of the members of your Committees on Transportation and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2925 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Transportation: Ayes, 4. Noes, none. Excused, 1 (English).
Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Ruderman, Wakai).

SCRep. 2708 Agriculture and Environment on S.B. No. 3121

The purpose and intent of this measure is to:

- (1) Require the Department of Health to update its co-composting rules by January 1, 2021, and every five years thereafter;
- (2) Require the Department of Health to establish a multi-tiered registration and permitting system for composting facilities; and
- (3) Allow composting and co-composting in agricultural districts.

Your Committee received testimony in support of this measure from the Office of Economic Development of the County of Maui, Office of Economic Development of the County of Kauai, Surfrider Oahu, Our Revolution Hawaii, Aina Design Inc., Growing Together LLC, Zero Waste Big Island, Sustainable Coastlines Hawaii, Kokua Hawaii Foundation, Zero Waste O'ahu, and thirty-eight individuals. Your Committee received comments on this measure from the Department of Health and one individual.

Your Committee finds that food waste is the second largest component that enter the waste stream and accounts for twenty-five percent of all materials sent to landfills. Nearly fifty percent of organic materials disposed of in incinerators and landfills can be diverted for bioconversion, including composting. Your Committee also finds that the regulation of co-composting in the State is under the purview of the Department of Health Solid and Hazardous Waste Branch. Existing regulations have not been updated in over twenty years, and currently a single application applies to all co-composting operations regardless of size or scope. Your Committee finds that updating the co-composting regulations and permitting process will greatly increase the number of operators diverting organics from landfills and incinerators, thereby aiding the State and counties in reaching their sustainability, resilience, and fiscal goals.

Your Committee has amended this measure by:

- (1) Replacing the requirement that the Department of Health update its rules regarding co-composting every five years beginning January 1, 2021, with the requirement that the Department of Health update its rules regarding solid waste every five years beginning January 1, 2022;
- (2) Moving rule requirements regarding solid waste composting facilities to the Hawaii Revised Statutes, rather than the Session Laws of Hawaii;
- (3) Deleting the definitions of Class I, II, III, and IV solid waste composting facilities;
- (4) Deleting language that would have established requirements for Class I, II, III, and IV solid waste composting facilities;
- (5) Inserting an appropriation in an unspecified amount of funds for fiscal year 2020-2021 for a program specialist position in the Solid and Hazardous Waste Branch of the Department of Health;
- (6) Amending section 1 to reflect its amended purpose; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3121, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3121, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Rhoads, Fevella).

SCRep. 2709 (Joint) Water and Land and Agriculture and Environment on S.B. No. 2756

The purpose and intent of this measure is to waive the requirement for section 401 water quality certification for certain small scale beach restoration projects authorized by the Department of Land and Natural Resources without limiting or impeding state environmental controls on water pollution.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Department of Health, Hawaii Shore and Beach Preservation Association, Waikiki Beach Special Improvement District Association, and two individuals.

Your Committees find that Hawaii is losing its beaches at an alarming rate due to chronic beach erosion, sediment deficiencies, sea-level rise, and shoreline armoring. Your Committees find that burdensome regulations and permit requirements for the beach restoration and maintenance projects discourage and prevent individuals, community organizations, and government agencies from initiating beach restoration projects. Further, restoration of Hawaii beaches using appropriate carbonate sands may require permits and certifications from the Department of Land and Natural Resources, Department of Health, Office of Planning, and various federal and county agencies. This permit process may be prohibitively time-consuming, complicated, costly, and inconsistent across agencies. Additionally, uncertain permit approval timeframes; related costs; and requirements from eight separate state, county, and federal authorizations result in potential carbonate sand users opting to instead use shoreline armoring to mitigate erosion. Your Committees find that waiving the requirement of a water quality certification will streamline the process for beach restoration projects.

Your Committees have amended this measure by:

- (1) Incorporating the proposal made by the Department of Health to clarify that the Department of Health shall not require a section 401 quality certification for certain beach restoration programs; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2756, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2756, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman).

SCRep. 2710 (Joint) Water and Land and Agriculture and Environment on S.B. No. 2758

The purpose and intent of this measure is to appropriate funds for operating expenses and for ten full-time equivalent (10.0 FTE) positions in the Department of Land and Natural Resources, as called for by the Hawaii Interagency Biosecurity Plan.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Department of Agriculture, and one individual.

Your Committees find that the Hawaii Interagency Biosecurity Plan is the primary guiding document for improving the prevention, detection, and control of invasive species in the State. A key objective of the plan is to enhance the capabilities of the Department of Land and Natural Resources, Division of Forestry and Wildlife, to detect and control invasive species in the State's most valuable protected areas, including forest reserves, wildlife sanctuaries, and natural area reserves.

Your Committees further find that the section of the plan entitled "Postborder Technology, Infrastructure, and Staffing" describes a goal of adding nine positions each biennium for the next five biennia to meet the estimated staffing needs of the Division of Forestry and Wildlife. The positions called for in section 1.10 of the plan include two positions each for the islands of Kauai, Oahu, Maui, and Hawaii, and one position based on the island of Molokai. Section 1.8 of the report also calls for an additional position based in the administrative office of the Division of Forestry and Wildlife to assist with statewide forest pathology coordination. Collectively, these positions would improve the State's ability to detect and control rapid ohia death and other invasive species in protected sanctuaries and reserves. Accordingly, this measure will appropriate funds for these positions to protect the State's resources, agriculture, and health and to execute the Hawaii Interagency Biosecurity Plan.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2758 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman).

SCRep. 2711 Energy, Economic Development, and Tourism on S.B. No. 2500

The purpose and intent of this measure is to appropriate funds to the Hawaii Technology Development Corporation for the small business innovation research program, manufacturing assistance program, and excelerator program.

Your Committee received testimony in support of this measure from the Hawaii Technology Development Corporation; Maui Chamber of Commerce; Elemental Excelerator; Oceanit; Makai Ocean Engineering, Inc.; The Patisserie Inc; Chamber of Commerce Hawaii; Adnoviv, Inc.; VisSidus Technologies, Inc.; Diamond Bakery Co., Ltd.; Hawaii Food Industry Association; Intelinair, Inc.; Cymz Sweet Kre8tionz Bakery; Hawaii Business Group Incorporated; Maui Economic Development Board; Tea Hawaii and Company; Hawaii Aquaculture and Aquaponics Association; RealGreen Power, Inc; Hawaii Farm Bureau; and three individuals.

Your Committee finds that the Hawaii Technology Development Corporation is a key state agency providing for the development and support of the State's manufacturing industry, which is essential to the State's economy. Your Committee further finds that the Hawaii Technology Development Corporation's three key programs are: the small business research program, manufacturing assistance program, and excelerator program, and all play important roles in providing support to the State's economy by providing financial, educational, and other types of assistance to small, local businesses. Your Committee also finds that there are numerous businesses in the State that have benefitted from these programs and continue to attest to the importance of these programs in supporting the State's economy. This measure will promote small and local businesses and manufacturing companies by providing funding to the Hawaii Technology Development Corporation to support their three key programs.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2500 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2712 Energy, Economic Development, and Tourism on S.B. No. 2546

The purpose and intent of this measure is to:

- (1) Establish the Division of Aerospace Development within the Hawaii Technology Development Corporation;
- (2) Transfer all rights, powers, functions, duties, and employees of the Office of Aerospace Development and Pacific International Space Center for Exploration Systems to the Division of Aero Space Development;
- (3) Establish the Hawaii Broadband Office within the Hawaii Technology Development Corporation; and
- (4) Appropriate funds for the establishment and staffing of the Hawaii Broadband Office.

Your Committee received comments on this measure from the Department of Budget and Finance, Pacific International Space Center for Exploration Systems, and Hawaii Technology Development Corporation.

Your Committee finds that given Hawaii's strategic near-equatorial location and resident expertise in a broad range of aerospace-related technologies, Hawaii plays an important role in the development of the aerospace industry. Your Committee further finds that

Hawaii continues to support national space efforts through a wide range of aerospace-related activities on all islands. The Office of Aerospace provides a focal point within state government to facilitate dialogue and coordination among Hawaii's public, private, and academic sectors to promote the growth and diversification of Hawaii's aerospace industry. However, your Committee believes that there is a need to consolidate state resources to improve the State's role in the aerospace industry.

Your Committee recognizes that transferring the Office of Aerospace and Pacific International Space Center for Exploration Systems (PISCES) into one entity will require a significant amount of time and effort. Your Committee also recognizes that the Office of Aerospace is currently going through internal changes and PISCES is currently in transition regarding contracts with an outside agency. Your Committee notes that transferring the two agencies into one entity may be ill-advised given the current status of both agencies.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language relating to transferring the Office of Aerospace and Pacific International Space Center for Exploration Systems into the newly-established Division of Aerospace and all other applicable language relating to the transfer; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2546, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2546, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2713 Energy, Economic Development, and Tourism on S.B. No. 1431

The purpose and intent of this measure is to include commercial air conditioning systems that are connected to seawater as an authorized system to collect the renewable energy technologies tax credit.

Your Committee received testimony in support of this measure from Our Revolution Hawaii; We Are One, Inc; Seawater Air Conditioning; 350Hawaii; Ulupono Initiative; and twelve individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Taxation, Hawaii State Energy Office, and Tax Foundation of Hawaii.

Your Committee finds that the State must continue to support established renewable energy resources and those emerging from new technological advancements to meet its expansive renewable energy goals. As a means to achieve Hawaii's renewable energy goals, the State established a renewable energy technologies income tax credit that incentivized the installation of solar and wind energy systems throughout the State. Your Committee notes that since the establishment of the renewable energy technologies tax credit, technological advancements have created multiple ways to tap into the natural environment to produce power. Seawater is an untapped and abundant renewable source of energy that can be used to offset certain electricity costs, such as costs incurred from air conditioning. This measure will apply the renewable energy technologies income tax credit to commercial seawater air conditioning systems, thereby bringing the State closer to its renewable energy goals.

Your Committee has amended this measure by:

- (1) Clarifying that the cap amount of tax credit allowed for a commercial air conditioning system connecting to a seawater air conditioning district cooling system is \$250,000, instead of \$500,000, and inserting language that sets an aggregate cap amount of \$5,000,000 for any taxable year;
- (2) Clarifying the definition of "commercial air conditioning system";
- (3) Specifying that cold deep seawater is a source of renewable energy for purposes of defining a renewable energy technology system;
- (4) Changing the effective date to July 1, 2020, and making this measure apply to taxable years beginning after December 31, 2020; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1431, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1431, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

SCRep. 2714 Judiciary on S.B. No. 2844

The purpose and intent of this measure is to make appropriations for claims against the State, its officers, and its employees.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Department of Transportation, and one individual.

Your Committee finds that, based on the testimony submitted by the Department of the Attorney General, this measure as received by your Committee requests a total of \$1,027,941.54 in appropriations from the general fund to satisfy seven claims against the State.

Your Committee further finds that the timely passage of this measure will minimize the State's obligation to pay interest on that amount.

Your Committee has amended this measure by:

- (1) Providing that the payments for the claims against the Department of Land and Natural Resources and Department of Public Safety shall be paid from funds appropriated to that respective department in section 3 of Act 5, Session Laws of Hawaii 2019;
- (2) Appropriating \$2,543.46 in general funds to settle four additional claims;
- (3) Approving the payment of \$130,000.00 in general funds for a settlement in the case of Zhang v. State of Hawaii, et al., Civil No. 19-1-0824-05, First Circuit; provided that the funds shall be paid out of the Department of Education's fiscal year 2019-2020 budget;
- (4) Changing the references to Ching et al. v. Case, et al., and Keauhou Canoe Club v. Department of Land and Natural Resources, et al., to refer to each case's circuit court filing number; and
- (5) Making technical nonsubstantive amendments for consistency and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2844, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2844, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2715 (Joint) Higher Education and Technology on S.B. No. 2573

The purpose and intent of this measure is to require all public meetings of the Board of Regents to be recorded in digital video format, webcast live, and archived and made available to the public.

Your Committees received comments on this measure from the University of Hawaii.

Your Committees find that it is in the State's interest for the University of Hawaii to provide mechanisms for the general public to engage meaningfully in the meetings of the Board of Regents. One such mechanism would be for the Board of Regents to follow the example of the Board of Education and begin webcasting their meetings live and archiving those recordings on their website. Your Committees further find that the University of Hawaii is in the process of doing so, as it also considers both the technological requirements and its web accessibility obligations under the Americans with Disabilities Act.

Your Committees have amended this measure by:

- (1) Adding a section with a brief analysis of recent judicial activity on the topic of web accessibility requirements under the Americans with Disabilities Act;
- (2) Requiring that livestreaming of audio and the archiving on its website recordings of all Board of Regents and Board of Regents standing committee meetings begin by May 1, 2020;
- (3) Requiring that livestreaming of audio include video of Board of Regents meetings by September 1, 2020; and
- (4) Requiring the Board of Regents to move expeditiously to ascertain its obligations and best practices that should be implemented in compliance with the Americans with Disabilities Act in regard to the accessibility of livestreaming of Board of Regents and Board of Regents standing committee meetings.

As affirmed by the records of votes of the members of your Committees on Higher Education and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2573, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2573, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.
Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Fevella).
Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

SCRep. 2716 (Joint) Higher Education and Agriculture and Environment on S.B. No. 2723

The purpose and intent of this measure is to:

- (1) Appropriate funds for the GoFarm Hawaii program; and
- (2) Require GoFarm Hawaii to provide the Chair of the Board of Agriculture with an annual report of the program's goals and a semi-annual report outlining program outputs and outcomes.

Your Committees received testimony in support of this measure from the University of Hawai'i System, Department of Agriculture, Hawai'i Farm Bureau, North Shore Economic Vitality Partnership, Counter Culture Organic Farm, Ulupono Initiative, The Kohala Center, Ho'ōla Farms, O'ahu Resource Conservation and Development Council, Hawai'i State Future Farmers of America, Kōkua Hawaii Foundation, Kamehameha Schools, Waimānalo Market Co-op, Bear Claw Farm LLC, Wiko Farms, De La Mesa LLC, and nine private individuals.

Your Committees find that GoFarm is a premier training program for beginning farmers in Hawaii. Demand for enrollment in GoFarm Hawaii among interested farmers often exceeds available places.

Your Committees further find that, while sugarcane has disappeared from our landscape, the majority of these lands, though now fallow, are still zoned agricultural. They have great potential and can be brought back into commercial agriculture to create the green landscape so important to our local economy, environment, food security, and visitor industry. In order to increase the number of farmers in Hawaii's diversified agriculture and ensure their success, it is necessary to provide aspiring farmers with the knowledge and skill sets they need to grow crops better and operate their agribusinesses more profitably.

As affirmed by the records of votes of the members of your Committees on Higher Education and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2723 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Keith-Agaran).
Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

SCRep. 2717 (Joint) Higher Education and Agriculture and Environment on S.B. No. 2736

The purpose and intent of this measure is to make an appropriation to the University of Hawaii College of Tropical Agriculture and Human Resources for ornamental and landscaping entomologist specialist, plant pathologist extension agent, and pesticide specialist positions.

Your Committees received testimony in support of this measure from the University of Hawai'i System, Department of Agriculture, Land Use Research Foundation of Hawaii, Hawaii Crop Improvement Association, Performance Landscapes, Hawai'i Farm Bureau, East Oahu County Farm Bureau, Hawaii Cattlemen's Council, Dole Food Co. Hawaii, Maui County Farm Bureau, and fifteen private individuals.

Your Committees find that the ornamental and landscape industry represents approximately two-thirds of the Hawaii farm gate value. Biosecurity is an important challenge facing this important sector of the agriculture industry overall in Hawaii.

As affirmed by the records of votes of the members of your Committees on Higher Education and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2736 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Keith-Agaran).
Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

SCRep. 2718 (Joint) Higher Education and Agriculture and Environment on S.B. No. 2737

The purpose and intent of this measure is to appropriate funds for one full-time equivalent extension agent position for the Hawaii Ant Lab West Hawaii Office.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Department of Agriculture, Mayor of the County of Hawaii, Hawaii Farm Bureau, and two private individuals.

Your Committees find that invasive species are a primary threat to Hawaii's agriculture and economy. Funding for control of invasive species, such as little fire ants, is critical to ensure that appropriate responses can be implemented and maintained which mitigate negative impacts on the environment and economy.

As affirmed by the records of votes of the members of your Committees on Higher Education and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2737 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Keith-Agaran).
Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

SCRep. 2719 (Joint) Commerce, Consumer Protection, and Health and Agriculture and Environment on S.B. No. 2721

The purpose and intent of this measure is to require the Department of Health to implement the Auditor's recommendations for the Deposit Beverage Container Program, including developing a risk-based selection process to select reports submitted by distributors and redemption centers for audit.

Your Committees received testimony in support of this measure from the Department of Health, American Beverage Association, and one individual. Your Committees received testimony in opposition to this measure from Reynolds Recycling.

Your Committees find that since January 2005, the Deposit Beverage Container Program has assisted residents to recycle by helping to remove these containers from the waste stream and reduce litter in the community. The program certifies independent recycling companies to operate certified redemption centers statewide who provide Hawaii consumers with refunds of the five-cent deposit fee that is paid for eligible containers. The Department of Health then pays each certified redemption center a handling fee of not less than five cents for each deposit beverage container redeemed. This measure ensures that distributor and redemption center reports are accurate and account for all the eligible beverage containers entering the State, later redeemed, and subsequently reimbursed.

Your Committees have amended this measure by:

- (1) Clarifying the requirements of a distributor and redemption center;
- (2) Expanding the types of equipment that can be used to accurately and securely record deposit beverage container redemption transactions to include electronic devices; and

- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2721, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2721, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Thielen, Fevella).

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Thielen, Fevella).

SCRep. 2720 (Joint) Commerce, Consumer Protection, and Health and Agriculture and Environment on S.B. No. 2621

The purpose and intent of this measure is to:

- (1) Prohibit the sale and distribution of sunscreen containing homosalate, octocrylene, and octisalate within the State; and
- (2) Allow the Department of Health to adopt rules to add additional harmful chemicals to the sale and distribution ban.

Your Committees received testimony in support of this measure from one member of the Hawai'i County Council, Friends of Hanauma Bay, Ocean Tourism Coalition, Hawai'i Reef and Ocean Coalition, Activities and Attractions Association of Hawaii, Surf rider Oahu, Surf rider Foundation Kona Kai Ea, Wastewater Alternatives and Innovations, Sea Paradise Sailing and Snorkeling Tours, and nine individuals. Your Committees received testimony in opposition to this measure from the Hawaii Food Industry Association and Personal Care Products Council. Your Committees received comments on this measure from the Department of Health and Hawaii Skin Cancer Coalition.

Your Committees find that Act 104, Session Laws of Hawaii 2018, prevents the sale and distribution of sunscreen containing oxybenzone and octinoxate in the State beginning in 2021 to preserve the State's marine ecosystems, including coral reefs that protect Hawaii's shoreline. Many visitors to Hawaii may be unaware of the harmful impacts of other chemicals that have significant harmful impacts on Hawaii's marine environment, such as homosalate, octocrylene, and octisalate. This measure ensures that other harmful chemicals are included in the sunscreen ban, as well as provides the Department of Health the flexibility to add additional harmful chemicals to the sale and distribution ban in the future.

Your Committees have amended this measure by:

- (1) Inserting language that requires the University of Hawaii to conduct a study to examine the concurrent effects of certain sunscreen products on the decline of the State's coral reefs and report its findings to the Legislature prior to the Regular Session of 2021;
- (2) Inserting language that appropriates an unspecified amount to conduct such studies;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note that although the appropriation is blank, the Hawaii Skin Cancer Coalition's testimony estimated that an appropriation of \$165,000 would be necessary to conduct a study to prevent the decline in the State's coral reefs due to certain chemicals in sunscreens.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2621, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2621, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Thielen, Fevella).

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Thielen, Fevella).

SCRep. 2721 (Joint) Commerce, Consumer Protection, and Health and Agriculture and Environment on S.B. No. 2430

The purpose and intent of this measure is to establish and appropriate funds for a climate change and human health adaptation coordinator within the Department of Health.

Your Committees received testimony in support of this measure from the Department of Health, Department of Agriculture, Office of Planning, Hawaii Climate Change Mitigation and Adaptation Commission, one member of the Hawai'i County Council, Honolulu Board of Water Supply, and four individuals. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that climate change affects human health and well-being and is a critical public health problem. While investments in mitigation relating to infrastructure to reduce carbon emissions or prepare for sea level rise are sound, there has been insufficient activity focusing on adaptation, specifically for human health. Additionally, climate change makes many existing diseases and conditions worse and may also help introduce new pests and pathogens into new regions or communities. The most vulnerable people, such as children, the elderly, the poor, and those with underlying health conditions, are at increased risk for health effects from climate change, all of which will begin to further stress the health care infrastructure, financial systems, and delivery systems. This measure ensures that there is statewide coordination and planning in the implementation of adaptation goals, principles, and policies relating to climate change impacts on human health.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2430 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
 Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Thielen, Fevella).
 Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Thielen, Fevella).

SCRep. 2722 (Joint) Commerce, Consumer Protection, and Health and Education on S.B. No. 2538

The purpose and intent of this measure is to:

- (1) Prohibit the sale of flavored tobacco products;
- (2) Prohibit the mislabeling of e-liquid products containing nicotine;
- (3) Require the Department of Education to establish a safe harbor program by which persons under twenty-one years of age may dispose of electronic cigarettes in their possession;
- (4) Authorize public school teachers to confiscate electronic cigarettes;
- (5) Increase fines for the purchase or possession of tobacco products and electronic smoking devices by persons under twenty-one years of age;
- (6) Authorize a court to impose, as a penalty on a person eighteen to twenty-one years of age who is convicted of possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine; and
- (7) Require a parent or guardian of a minor to select from among the penalties for a minor convicted of possession of a tobacco product or electronic smoking device.

Your Committees received testimony in support of this measure from the Department of Health; Office of the Prosecuting Attorney, Hawaii County; Hawaii Dental Association; Kapi'olani Smokefree Families; American Cancer Society Cancer Action Network; Hawai'i Public Health Institute; Hawaii Dental Hygienists' Association; American Academy of Pediatrics, Hawaii Chapter; Hawai'i Primary Care Association; Hawai'i Pacific Health; Hawaii COPD Coalition; Hui No Ke Ola Pono; Hawai'i Association of Independent Schools; Flavors Hook Kids Hawai'i; and numerous individuals. Your Committees received testimony in opposition to this measure from the Retail Merchants of Hawaii, Hawaii Smokers Alliance, Hawaii Petroleum Marketers Association, and thirteen individuals. Your Committees received comments on this measure from the Department of Education, Hawaii State Teachers Association, and two individuals.

Your Committees find that there has been a dramatic increase in the use of electronic smoking devices by Hawaii's youth and that a significant driver of this increase is the availability of flavored products. The tobacco industry and electronic smoking device industry have significantly increased the introduction and marketing of flavored non-cigarette tobacco products for electronic smoking devices. Adding flavors to tobacco changes the taste and reduces the harshness of the otherwise unflavored tobacco product, making smoking more appealing and easier for beginners to try. Therefore, to ensure the health and safety of consumers, especially youth and teenagers, it is necessary to further regulate the electronic smoking device industry, particularly the sale of flavored non-cigarette tobacco products.

Your Committees note that the Department of Education already has a zero-tolerance policy for tobacco products and electronic smoking devices and the Department of Health has worked with the Department of Education to offer guidance and advice on the safe handling, storage, and disposal of electronic smoking devices. Additionally, your Committees further note that research shows that punitive provisions for youth possession or use are ineffective and may have the unintended consequence of stigmatizing youth and exacerbating socioeconomic, racial, gender, and other disparities.

Accordingly, your Committees have amended this measure by:

- (1) Deleting language that would have required the Department of Education to establish a safe harbor program by which persons under twenty-one years of age may dispose of electronic cigarettes in their possession;
- (2) Deleting language that would have authorized public school teachers to confiscate electronic cigarettes;
- (3) Deleting language that would have increased fines for the purchase or possession of tobacco products and electronic smoking devices by persons under twenty-one years of age; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2538, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2538, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.
 Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).
 Education: Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Fevella).

SCRep. 2723 (Joint) Commerce, Consumer Protection, and Health and Human Services on S.B. No. 2563

The purpose and intent of this measure is to require the Department of Health and Department of Human Services to develop and provide dementia training to first responders and investigators from the Department of Human Services' Adult Protective Services Program, respectively.

Your Committees received testimony in support of this measure from the Alzheimer's Association, Aloha Chapter; and AARP Hawaii. Your Committees received comments on this measure from the Department of Health and Department of Human Services.

Your Committees find that as part of addressing the present and continuing “silver tsunami” in Hawaii, first responders and investigators from the Department of Human Services’ Adult Protective Services Program should be adequately trained to identify and interact appropriately with individuals with Alzheimer’s disease and related dementias. Because individuals with Alzheimer’s disease and related dementias may not respond in a manner typically anticipated by first responders and investigators from adult protective services, providing dementia training designed to help identify, interact with, and intervene in cases of suspected abuse or neglect of individuals with Alzheimer’s disease and related dementias will enable these employees to better carry out their duties and responsibilities.

While your Committees are in strong support of ensuring that adult protective services workers and first responders receive adequate training to better serve individuals with Alzheimer’s disease and related dementias and their families, your Committees also recognize the importance of collaboration in determining the necessary components of dementia training.

Accordingly, your Committees have amended this measure by:

- (1) Deleting language that would have required the Department of Health and Department of Human Services to develop and provide dementia training to first responders and adult protective services workers;
- (2) Inserting language that establishes a task force to make recommendations to the Department of Health and Legislature regarding the dementia training necessary to help first responders and adult protective services workers appropriately assist with Alzheimer’s disease and related dementia patients in responding to emergency calls; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2563, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2563, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Thielen, Wakai, Fevella).

Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

SCRep. 2724 (Joint) Higher Education and Agriculture and Environment on S.B. No. 2730

The purpose and intent of this measure is to appropriate funds for the research, development, marketing, and conservation of ‘ulu.

Your Committees received testimony in support of this measure from the University of Hawaii System, Malama Kaua‘i, and three private individuals.

Your Committees find that ‘ulu is a crop that is unique to Hawaii within the agriculture of the United States as no other state grows it. The crop holds significant potential for farmers in the state as an emerging commercial crop, especially as value-added component of the industry continues to progress.

As affirmed by the records of votes of the members of your Committees on Higher Education and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2730 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Keith-Agaran).

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

SCRep. 2725 (Joint) Higher Education and Agriculture and Environment on S.B. No. 2784

The purpose and intent of this measure is to make an appropriation to the University of Hawaii College of Tropical Agriculture and Human Resources for research and prevention of the spread of ornamental ginger pathogens.

Your Committees received testimony in support of this measure from the University of Hawaii system, Department of Agriculture, Hawaii Crop Improvement Association, Land Use Research Foundation, Hawaii Farm Bureau, East Oahu County Farm Bureau, Hawaii Cattlemen’s Council, Maui County Farm Bureau, and eleven private individuals.

Your Committees find that invasive species are a primary threat to Hawaii’s agriculture, environment, and economy. Funding for research on invasive species, such as ornamental ginger pathogens, is critical to ensure that appropriate responses can be developed which mitigate the negative impacts on the State’s agriculture, environment, and economy.

As affirmed by the records of votes of the members of your Committees on Higher Education and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2784 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Keith-Agaran).

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

SCRep. 2726 (Joint) Education and Housing on S.B. No. 2255

The purpose and intent of this measure is to:

- (1) Authorize the Hawaii Housing Finance and Development Corporation to assist the Department of Education in developing teacher housing projects by contract or sponsorship with any state department or agency;

- (2) Appropriate funds for deposit into the dwelling unit revolving fund;
- (3) Require the Department of Education to lease land and contract with private entities for the development, management, maintenance, or revitalization of teacher housing; and
- (4) Permit a project owner to lease teacher housing to other eligible tenants if occupancy of teacher housing falls below ninety per cent.

Your Committees received testimony in support of this measure from the Department of Education, Hawaii Public Housing Authority, State Public Charter Schools Commission, Hawaii Teacher Standards Board, and Hawaii State Teachers Association. Your Committees received comments on this measure from Hawaii Housing Finance & Development Corporation and a private individual.

Your Committees recognize the value of developing cost-effective teacher housing as part of the State's ongoing effort to address the chronic teacher shortage. Hawaii's high cost of living and limited stock of affordable housing has long been significant obstacles to the recruitment and retention of qualified teachers. Creating affordable teacher housing, especially in areas of high need, will help to provide equitable access to quality education for all students.

Your Committees have amended this measure by:

- (1) Inserting provisions two authorizing the Hawaii Public Housing Authority to provide rental housing to teachers employed by the Department of Education and public charter schools;
- (2) Inserting a blank appropriation for the Hawaii Public Housing Authority for the purposes of this Act; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Education and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2255, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2255, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Education: Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Kim).

Housing: Ayes, 4. Noes, none. Excused, 1 (Thielen).

SCRep. 2727 Government Operations on S.B. No. 2835

The purpose and intent of this measure is to exempt construction procurements from the requirements of the Hawaii Products Preference Program in section 103D-1002, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services, Department of Education, and Department of Budget and Fiscal Services. Your Committee received comments on this measure from the State Procurement Office.

Your Committee finds that the goals of the program have been achieved. Your Committee further finds that the construction procurement process may be more efficient without the current preference.

Your Committee has amended this measure by:

- (1) Defecting the effective date to encourage further discussion;
- (2) Requiring notification to current vendors on the Hawaii products list maintained by the State Procurement Office; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that if this bill moves forward, the effective date should be made six months to a year ahead, in order not to disrupt any bids currently in evaluation or being prepared under existing law.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2835, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2835, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

SCRep. 2728 Government Operations on S.B. No. 3085

The purpose and intent of this measure is to integrate socially responsible factors into the investment decision-making of an endowment, trust, or investment fund, created by statute or maintained by state agencies or offices, to bring about positive social and environmental change.

Your Committee received testimony in support of this measure from Young Progressives Demanding Action, Imua Alliance, Our Revolution Hawaii, 350 Hawaii, and eight individuals. Your Committee received testimony in opposition to this measure from Employee's Retirement System. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that the global and international markets are responding to increasing public demand for socially responsible investing. Your Committee further finds that trustees and other investment fund managers have an existing fiduciary, legal responsibility to invest for the benefit and best interest of its beneficiaries.

Your Committee recognizes that given the concerns regarding the \$25 billion shortfall in the State and County pension and health care funds, it would not be prudent to statutorily mandate a divestment strategy. However, sound financial management does

incorporate how climate change, governance structures, and social impacts affect investments over the long term. Accordingly, your Committee looked to Acts passed in other states that incorporate more comprehensive factors of socially responsible investing, while also supporting secure financial investment strategies.

Your Committee further recognizes the possibility that an agency or office's existing and analogous socially responsible investment policy could meet the purpose of this measure.

Your Committee has amended this measure by:

- (1) Amending language to incorporate the Illinois Sustainability Investing Act suggested by the Department of Budget and Finance for its comprehensive approach;
- (2) Allowing trustees and fund managers to develop policies and practices to determine whether existing, substantially-similar policies and practices to meet the terms of this measure;
- (3) Requiring the appropriate agencies and offices to publish annual investment reports containing a summary of the proportion of its investment made in accordance with its socially responsible investment policies;
- (4) Changing the effective to January 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3085, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3085, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Baker).

SCRep. 2729 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2122

The purpose and intent of this measure is to authorize each county to levy and collect a county per-ride fee against a transportation network company.

Your Committee received testimony in support of this measure from the Office of the Mayor of the County of Maui, Department of Transportation Services of the City and County of Honolulu, Hawaii Transportation Association, and Waikīkī Transportation Management Special Improvement District. Your Committee received testimony in opposition to this measure from Lyft and Uber.

Your Committee finds that transportation network companies are entities that use a digital network or software application service to connect passengers with transportation network company drivers. Transportation network companies have gained an immense amount of popularity due to their convenience for residents and visitors of the State. Your Committee further finds that there has been a large increase in the use of transportation network companies and those drivers utilize state and county roads more than the average resident or visitor. Transportation network company drivers increase traffic, especially in urban areas. The extensive use by these transportation network company drivers have a negative impact on state and county roadways, adding to the degradation of the quality of roadways throughout the State. This measure will hold transportation network companies accountable for the extensive use of roadways in the State by authorizing counties to establish a schedule for per-ride fees assessed to transportation network companies.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2122 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Harimoto).

SCRep. 2730 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2129

The purpose and intent of this measure is to authorize the State Fire Council to administer and expend funds from the reduced ignition propensity cigarette program special fund to support statewide fire prevention and safety programs.

Your Committee received testimony in support of this measure from the State Fire Council, Honolulu Fire Department, Hawai'i Fire Department, Kaua'i Fire Department, and Maui Fire Department.

Your Committee finds that the State Fire Council has largely been underfunded since its inception in 1979. The State Fire Council has a wide range of responsibilities, such as reviewing and maintaining the state fire code, coordinating the collection of fire data, and supporting contingency planning for firefighters. Despite their array of responsibilities, the State Fire Council received no funding for staff personnel to fulfill its extensive responsibilities until 2001. The lack of appropriate funding has hindered the Council's ability to effectively carry out its statutory functions. Your Committee finds that the lack of appropriate funding is reducing the Council's effectiveness and that more funding will allow the Council to support statewide fire prevention and safety programs.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2129 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Harimoto).

SCRep. 2731 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2383

The purpose and intent of this measure is to:

- (1) Require the Department of Public Safety to review and update, at least annually, its policies and procedures governing the use of force, weapons, and equipment;
- (2) Require the Law Enforcement Standards Board to review the Department's use of force training; and
- (3) Appropriate funds for training, equipment, and related records management for the Department.

Your Committee received testimony in support of this measure from the Hawaii Government Employees Association and three individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Public Safety and Community Alliance on Prisons.

Your Committee finds that updating the policies and procedures that govern the use of force, weapons, and equipment by public safety officers has been a concern for the public. Your Committee further finds that since 2015, fatal police shootings in the State have more than doubled, with most cases dealing with an unarmed suspect. Your Committee believes that having policies relating to the use of force will ensure the safety of officers, as well as others, and that standards for compliance are in effect. Your Committee also finds that the use of less-than-lethal weapons is practiced in many other jurisdictions. The use of less-than-lethal weapons have been requested by public safety officers so that they may be equipped to enforce laws in situations that require less-than-lethal force. This measure will ensure the safety of public safety officers as well as residents and visitors by requiring the Department of Public Safety to review its policies and procedures relating to the use of force to better train and equip all of its officers.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2383 and recommends that it pass Second Reading and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 2732 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2523

The purpose and intent of this measure is to:

- (1) Authorize the Director of Public Safety to withhold certain information regarding deaths at correctional facilities or community correctional centers; and
- (2) Require the Director to include in the report regarding the death that is submitted to the Governor a description of the circumstances and cause of death.

Your Committee received testimony in support of this measure from Community Alliance on Prisons. Your Committee received comments on this measure from the Department of Public Safety and one individual.

Your Committee finds that whenever a death occurs in a correctional facility, the Director of Public Safety is mandated to report to the Governor, who then reports to the Legislature, regarding the death of an inmate. Under existing law, your Committee finds that the Director of Public Safety has the discretion to withhold disclosure of certain information regarding the death. Your Committee wants to provide more transparency with regard to the correctional system by requiring disclosure of additional information relating to the death of an inmate. Your Committee recognizes that the Director of Public Safety is mandated by other laws to not disclose any information that may identify the decedent. However, your Committee believes that the Governor and Legislature should be privy to the circumstances and cause of death of all inmates in state correctional facilities. This measure will improve transparency in the correctional system by requiring the Director of Public Safety to disclose specified information regarding a death in a correctional facility.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2523 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 2733 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 3029

The purpose and intent of this measure is to increase the maximum fine for certain fireworks-related violations.

Your Committee received testimony in support of this measure from the State Fire Council, Honolulu Fire Department, Hawai'i Fire Department, and Maui Fire Department. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the unlawful use of fireworks creates public health hazards and strains the emergency response capabilities of public safety agencies. Your Committee further finds that illegal fireworks are an ongoing issue in Hawaii and each year, there is an abundance of illegal fireworks, despite all the deterrents that are in place at the State level. Your Committee also finds that to address the issue of illegal fireworks, the Legislature enacted Act 170, Session Laws of Hawaii 2010, which established an Illegal Fireworks Task Force to develop a plan and make recommendations to stop the importation of illegal fireworks and explosives into Hawaii. According to the 2011 report of the Illegal Fireworks Task Force, increasing fines associated with illegal fireworks and explosives may act as a stronger deterrent to the illegal importation of fireworks. This measure will curtail the use of illegal fireworks by increasing the fines for the use of illegal fireworks in the State.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3029 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Harimoto).

SCRep. 2734 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 3076

The purpose and intent of this measure is to appropriate funds to establish the position of program director for the State Building Code Council and a staff member to provide employment training, materials, supplies, and all other costs associated with the Council's duties.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office, Hawaii Emergency Management Agency, State Fire Council, Honolulu Fire Department, Hawai'i Fire Department, Kaua'i Fire Department, Maui Fire Department, Department of Public Works of the County of Hawai'i, Blue Planet Foundation and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the State Building Code Council is responsible for adopting, amending, and updating the state building codes and standards. In addition, the State Building Code Council is tasked with responding to code inquiries, submitting legislative testimony, and preparing and finalizing meeting agendas and minutes. Your Committee further finds that the State Building Code Council is comprised of eight members. However, since its inception, the State Building Code Council has struggled with limited funding and insufficient support staff, as members of the State Building Code Council serve on a voluntary basis. Your Committee believes that with the appropriate amount of funding and personnel as provided by this measure, the State Building Code Council can better update and adopt commercial and residential codes and carry out all of its mandated responsibilities.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3076 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Harimoto).

SCRep. 2735 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 3126

The purpose and intent of this measure is to:

- (1) Establish a four-year pilot program to reduce recidivism by providing educational programs and initiatives for inmates; and
- (2) Appropriate funds for the pilot program.

Your Committee received testimony in support of this measure from the Department of Public Safety, Office of the Public Defender, Department of the Prosecuting Attorney of the City and County of Honolulu, Community Alliance on Prisons, Columbia Business School, Hour Children, Resilience Education, Chamber of Commerce Hawaii, and thirty-four individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from Department of Corrections of the Commonwealth of Virginia

Your Committee finds that Hawaii's correctional facilities are currently overcrowded, far exceeding the number of inmates the correctional facilities should house. This has led to the State sending inmates to a private prison located in Arizona. Your Committee further finds that there are approximately five thousand six hundred inmates, costing the State about \$52,000 per inmate per year. Your Committee also finds that one reason the State's correctional facilities are overcrowded is due to numerous individuals returning to prison within one year of their release. Your Committee notes that forty-three percent of people who seek and attain education in prison are actually less likely to return to prison. This measure will reduce recidivism by offering educational opportunities to inmates to learn business skills and other trades to ensure a smooth transition back into society.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3126 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 2736 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2349

The purpose and intent of this measure is to require all state correctional facilities to allow family members to engage in contact visitation with inmates at least once per week.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Community Alliance on Prisons, Hawai'i Friends of Restorative Justice, and ten individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Public Safety.

Your Committee finds that contact visitation for incarcerated individuals can reduce recidivism by allowing an incarcerated individual to maintain a meaningful relationship with family members, thereby making integration back into society easier by having the support of family members. Your Committee also finds that children of incarcerated parents are some of the nation's most vulnerable and marginalized populations and are more likely to be incarcerated themselves as teenagers or adults. Studies have shown that contact visitation produces better outcomes for correctional facilities, an incarcerated individual, and family members of an incarcerated individual. Your Committee finds that opportunities for incarcerated individuals to have contact visits with their family are increasingly being restricted. Non-contact visitation is currently the practice of at least three correctional facilities in the State. This measure will attempt to reduce recidivism by requiring all correctional facilities to allow for contact visitation.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2349, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2349, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 2737 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2847

The purpose and intent of this measure is to authorize the Attorney General to issue firearm qualification certifications to qualified retired law enforcement officers.

Your Committee received testimony in support of this measure from the Department of the Attorney General and two individuals.

Your Committee finds that the Law Enforcement Officers Safety Act of 2004 (LEOSA) authorizes, among other things, retired law enforcement officers to carry concealed firearms nationwide. The LEOSA outlines detailed criteria that a qualified law enforcement officer must meet to be able to carry a concealed firearm. Your Committee further finds that in 2008, the Department of the Attorney General set up a LEOSA firearm qualification certification program to comply with the federal Act and enable the Department of the Attorney General to issue qualification certifications to qualified retired law enforcement officers in the State. In 2014, the Department of the Attorney General entered into a memorandum of understanding with each of the county police chiefs to acknowledge and recognize the LEOSA certification program. This measure will codify the existing LEOSA certification program that is being operated by the Department of the Attorney General to issue certifications to qualified retired law enforcement officers.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2847, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2847, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 2738 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2851

The purpose and intent of this measure is to authorize the Department of the Attorney General to have law enforcement vehicles.

Your Committee received testimony in support of this measure from the Department of the Attorney General and Maui Police Department. Your Committee received comments on this measure from one individual.

Your Committee finds that existing law tasks the Attorney General with the responsibility to investigate and prosecute violations of law. Investigators with the Department of the Attorney General and the Attorney General each have all the powers and authority of a police officer or a deputy sheriff. Despite this authority, your Committee finds that the Department of the Attorney General does not have the official and explicit authority to use law enforcement vehicles with emergency response lights. While law enforcement officers with the Department of the Attorney General are primarily investigators, they are also emergency responders that require the use of properly equipped emergency vehicles. This measure will address this oversight by authorizing the Department of the Attorney General to use a law enforcement vehicle.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2851, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2851, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 2739 Ways and Means on S.B. No. 2059

The purpose and intent of this measure is to address abandoned wells.

More specifically, this measure:

- (1) Establishes an income tax credit for taxpayers who are required to fill and seal abandoned wells on their real property; and
- (2) Requires sellers of real property to disclose the existence of an abandoned well on the property.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that section 174C-87, Hawaii Revised Statutes, requires owners of real property to fill and seal any abandoned wells on their property. This measure is intended to assist taxpayers in complying with this requirement.

Your Committee has amended this measure by:

- (1) Clarifying the definition of the term “abandoned well”;
- (2) Clarifying costs that may not be used to claim the tax credit;
- (3) Requiring sellers of real property to disclose the existence of all wells on the property, rather than only abandoned wells;
- (4) Applying the tax credit to taxable years beginning after December 31, 2020; and
- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2059, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2059, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (English, Moriwaki, Taniguchi).

SCRep. 2740 Ways and Means on S.B. No. 2923

The purpose and intent of this measure is to improve general tax administration.

More specifically, this measure:

- (1) Authorizes the Department of Taxation to require electronic filing of certain partnership and S corporation returns if the entity’s gross income exceeds \$250,000 for the taxable year;
- (2) Authorizes the Department of Taxation to set the penalty for failure to file electronically if there is no tax shown on an improperly filed return;
- (3) Requires tax preparers to file electronically if the preparer reasonably expects to file more than ten returns of the same tax type in the calendar year, and imposes a penalty for failure to do so;
- (4) Amends section 231-9.9, Hawaii Revised Statutes, by repealing provisions that authorize the Department of Taxation to:
 - (A) Require electronic filing of state returns when a taxpayer electronically files the taxpayer’s federal return; and
 - (B) Grant an exemption to the electronic filing and payment requirements for good cause;
- (5) Amends section 231-10.8, Hawaii Revised Statutes, to repeal the provision authorizing the Department of Taxation to charge a \$5 fee for a certified copy of a tax clearance;
- (6) Amends section 231-28, Hawaii Revised Statutes, to authorize the Department of Taxation to make limited disclosures of a liquor licensee’s tax compliance information to the county agency that issues liquor licenses; and
- (7) Amends section 232-24, Hawaii Revised Statutes, to change the interest rate the State must pay on amounts paid pending appeal from the federal overpayment rate to:
 - (A) Three percent for corporations;
 - (B) One and one-half percent for corporations whose overpayments exceed \$10,000; and
 - (C) Four percent for all other taxpayers.

Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that electronic filing of tax returns improves accuracy and efficiency. Your Committee also finds that this measure is intended to encourage increased usage of electronic filing by entities having the ability and sophistication to easily comply with electronic filing requirements. Your Committee further finds that confusion exists regarding the calculation of the interest rate that the State is required to pay on taxes paid pending appeal. This measure is intended to provide clarification by establishing fixed interest rates that are consistent with the Internal Revenue Code.

Your Committee has amended this measure by:

- (1) Restoring provisions of section 231-9.9, Hawaii Revised Statutes, that authorize the Department of Taxation to grant an exemption to the electronic filing and payment requirements for good cause;
- (2) Clarifying that the three percent interest rate applies to corporations whose overpayments do not exceed \$10,000;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2923, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2923, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, 1 (Kaehele).

SCRep. 2741 Commerce, Consumer Protection, and Health on S.B. No. 2431

The purpose and intent of this measure is to:

- (1) Require and appropriate funds for the Department of Health to conduct comprehensive workforce and cost analysis reviews with federal partners to improve efficiency, quality, and cost-effectiveness; and
- (2) Appropriate funds for collective bargaining increases and other current expenses.

Your Committee received testimony in support of this measure from the Department of Health; Honolulu Emergency Services Department for the City and County of Honolulu; and United Public Workers, AFSCME, Local 646, AFL-CIO.

Your Committee finds that the Department of Health is responsible for administering and maintaining the comprehensive state emergency medical service system, or state emergency medical system. Administration of the system by a state agency ensures that all emergency services, including ground and air ambulance services conducted by or under the authorization of the Department of Health or any county, are in compliance with existing law. Therefore, to fulfill the duties of the emergency medical services system, it is imperative that the Department of Health strive to ensure that the state emergency medical system is efficiently maintained and effectively provides emergency services.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2431 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2742 Commerce, Consumer Protection, and Health on S.B. No. 2637

The purpose and intent of this measure is to require:

- (1) The Department of Health to establish, implement, and evaluate a statewide program for early identification of and intervention for lead poisoning in infants; and
- (2) Insurers to provide coverage for the screenings for lead poisoning.

Your Committee received testimony in support of this measure from Hawaii Children's Action Network Speaks!, Healthy Mothers Healthy Babies Coalition of Hawaii, and Early Childhood Action Strategy. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and Department of Health.

Your Committee finds that lead poisoning can cause permanent health damage, including intellectual disabilities; learning and behavior problems; high blood pressure; and damage to the brain, nervous system, kidneys, and red blood cells. Even at low levels, lead exposure can result in adverse health effects, especially in young children. According to the Centers for Disease Control and Prevention, the effects of childhood lead poisoning are most effectively treated through early intervention programs before the age of three. Under federal law, all Medicaid-insured children are to be tested for lead at one and two years of age, but no mandate currently exists at the state level. Therefore, this measure further protects Hawaii's children by establishing the appropriate testing for lead hazards and the effects of lead poisoning.

Your Committee has amended this measure by:

- (1) Changing references of "screen" or "screening" to "test" or "testing";
- (2) Deleting language that would have required regular testing of children ages three or older for lead poisoning;
- (3) Inserting language that defers to health care providers to determine lead exposure risk for children three years of age and older and the need for blood lead testing;
- (4) Deleting language related to recommended screening protocol;
- (5) Deleting language related to early intervention services for children younger than four years of age who are identified as having a blood lead level of ten micrograms of lead per deciliter of blood or higher; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2637, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2637, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2743 Commerce, Consumer Protection, and Health on S.B. No. 2874

The purpose and intent of this measure is to:

- (1) Establish the Safe Home Program to provide matching and nonmatching grants for the installation of wind resistive devices to single-family, owner-occupied, residential property owners; and
- (2) Create one temporary position within the Insurance Division of the Department of Commerce and Consumer Affairs to implement and administer the Safe Home Program.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Office of the Director of Emergency Management, Hawaii Insurers Council, Zephyr Insurance Company, and one individual.

Your Committee finds that homes that are retrofitted to make them more wind-resistant are less vulnerable to the effects of severe windstorms, hurricanes, and high wind damage. Fewer damage incidents resulting from such storms in turn result in lower or fewer insurance claims, which, over time, would reduce insurance premiums for Hawaii residents. Homeowners can experience considerable financial burdens to make their homes more wind resistant. Accordingly, this measure appropriates moneys earned through interest from the assets of the Hawaii Hurricane Relief Fund to the Safe Home Program Trust Fund to provide matching and non-matching grants according to the program to assist with the installation of wind resistive devices to qualified single-family, owner-occupied, residential property owners.

Your Committee has amended this measure by making technical, nonsubstantive procedural amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2874, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2874, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2744 Commerce, Consumer Protection, and Health on S.B. No. 2276

The purpose and intent of this measure is to:

- (1) Require drug manufacturers to notify prescription drug benefit plans and pharmacy benefit managers if a proposed increase in the wholesale price of certain drugs would result in a sixteen percent or more price increase over a two-year period;
- (2) Require the drug manufacturer to identify and report to the insurance commissioner information on certain drugs whose wholesale acquisition cost increases by a certain amount during a specified time; and
- (3) Impose fines.

Your Committee received testimony in support of this measure from the Hawaii Association of Health Plans, Hawaii Medical Service Association, AARP Hawaii, Lifeway Pharmacy, Times Pharmacy, and one individual. Your Committee received testimony in opposition to this measure from the Pharmaceutical Research and Manufacturers of America. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Hawaii Employer-Union Health Benefits Trust Fund Board of Trustees, and the Office of Information Practices.

Your Committee finds that pharmaceutical drug prices are a threat to the affordability of health care coverage for Hawaii residents. Increased transparency concerning drug pricing can help payers determine whether a drug price, or an increase in price, is justified. Moreover, requiring additional disclosures may encourage drug manufacturers to reconsider their standard practice of setting high launch prices with subsequent additional yearly increases. Accordingly, this measure helps to assist in attempts to keep costs down and is an important step in reigning in the skyrocketing costs of prescription drugs.

Your Committee notes that this measure does not require the Insurance Commissioner to regulate drug prices, but simply provides a mechanism for increased transparency so that Hawaii residents have as much information as possible concerning their drug prices.

Your Committee has amended this measure by:

- (1) Clarifying that a manufacturer of a prescription drug provide notice of planned price increases to the Insurance Commissioner in addition to each prescription drug benefit plan and pharmacy benefit manager, in certain circumstances;
- (2) Inserting an unspecified percentage for any planned price increase in the wholesale acquisition cost of the prescription drug during a specified time period;
- (3) Inserting language that requires the Insurance Commissioner to post all drug price information received by drug manufacturers on the website of the Department of Commerce and Consumer Affairs;
- (4) Inserting an effective date of January 1, 2050, to encourage further discussion; and
- (5) Amending section 1 to reflect its amended purpose.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2276, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2276, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Ruderman, Fevella).

SCRep. 2745 Commerce, Consumer Protection, and Health on S.B. No. 2617

The purpose and intent of this measure is to appropriate funds to the Hawaii Health Systems Corporation to expand the Kau Rural Health Clinic to improve access to urgent care and outpatient behavioral health services.

Your Committee received testimony in support of this measure from the Hawaii Health Systems Corporation; Office of the Mayor for the County of Hawai'i; United Public Workers, AFSCME, Local 646, AFL-CIO; Hilo Medical Center; Ka'u Hospital; Hilo Medical Center Foundation; and four individuals.

Your Committee finds that the Ka'u Hospital emergency department serves approximately three thousand patients per year. Almost one-third of the hospital's emergency department patients have medical issues that are non-emergent. However, due to limited access

to primary care providers and the restricted hours of the Rural Health Clinic located within Ka'u Hospital, patients turn to expensive emergency care as a last resort.

Your Committee further finds that expanding the Rural Health Clinic's space and hours of operation to include urgent care and behavioral health services would be a highly effective way to reduce costs and the need for emergency services, while increasing access to care.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2617 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2746 Commerce, Consumer Protection, and Health on S.B. No. 2618

The purpose and intent of this measure is to make an appropriation to establish and fund one advanced life support ambulance based in Makalei on the island of Hawaii, including acquisition of a vehicle, equipment, and personnel costs.

Your Committee received testimony in support of this measure from the Office of the Mayor for the County of Hawai'i, Hilo Medical Center, Daniel Sayre Memorial Foundation, Hilo Medical Center Foundation, and three individuals. Your Committee received testimony in opposition to this measure from the Department of Health.

Your Committee finds that the population of Makalei area on the island of Hawaii has significantly increased over the years, which has corresponded with a steady increase in calls for emergency medical services. Due to the lack of resources, it has become common for paramedics to respond to as many as ten calls for emergency medical transportation during a twenty-four-hour shift. The potential for fatigue resulting in errors in judgment, driving, and overall safety are of great concern for personnel and residents. Therefore, given the significant growing and aging population on the island of Hawaii, residents of the island of Hawaii would greatly benefit from the addition of an advanced life support ambulance to augment the Hawaii County emergency medical services system for residents of the Makalei area.

Your Committee notes the importance of sustaining the operation of the new ambulance for the residents of the Makalei area in the long-term with appropriate resources and that the addition of a new ambulance to the area should not displace existing emergency medical services.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2618, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2618, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2747 Commerce, Consumer Protection, and Health on S.B. No. 2280

The purpose and intent of this measure is to increase transparency and promote, preserve, and protect the public health, safety, and welfare by adopting provisions of certain model acts to:

- (1) Prohibit pharmacy benefit managers from engaging in self-serving business practices;
- (2) Increase the pharmacy benefit managers' annual reporting requirements; and
- (3) Replace the registration requirement for pharmacy benefit managers with a licensure requirement.

Your Committee received testimony in support of this measure from The Queen's Health Systems, Hawai'i Primary Care Association, Lifeway Pharmacy, Times Pharmacy, 5 Minute Pharmacy, and four individuals. Your Committee received testimony in opposition to this measure from Hawaii Medical Service Association and Hawaii Association of Health Plans. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Department of Health, Department of the Attorney General, Office of Information Practices, and the Pharmaceutical Care Management Association.

Your Committee finds that pharmacy benefit managers have their own way of doing business, and some with little to no transparency. Pharmacy benefit managers control the formularies for drug prices and have the ability to create pricing uncertainty for pharmacies. This measure promotes transparency by increasing reporting requirements and supports efforts to control drug costs by preventing pharmacy benefit managers from promoting medications based on the rebates the pharmacy benefit manager receives from the manufacturer.

Your Committee further finds that, especially for smaller, independent or rural pharmacies, pharmacy benefit managers reimburse pharmacies half of what the cost is to acquire the drug and there is no transparency concerning where the drug is being purchased, in what market, or if it is even available at a certain price in Hawaii. A significant number of independent pharmacies have been forced to close their doors or sell to mainland corporations due to these predatory practices employed by pharmacy benefit managers. Not only do these closures take a toll on local economies, but they also leave residents in less populated areas without a pharmacist to fill prescriptions and provide vital services. Your Committee has also heard the testimony of the Department of Commerce and Consumer Affairs regarding its concerns about replacing the registration requirement for pharmacy benefit managers with a licensing requirement. Accordingly, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Inserting language that prohibits certain contracts for managed care entered into after June 30, 2020 from containing a provision that authorizes a pharmacy benefit manager to reimburse a contracting pharmacy on a maximum allowable cost basis, and voids any such provisions in existing managed care contracts, and repealing this prohibition on June 30, 2025;
- (2) Inserting language that prohibits pharmacy benefit managers from engaging in unfair methods of competition or unfair practices;
- (3) Inserting language that prohibits pharmacy benefit managers from retaining any portion of spread pricing;
- (4) Inserting language that prohibits pharmacy benefit managers from reimbursing pharmacies that participate in the federal drug discount program differently than any other network pharmacy;
- (5) Inserting language that prohibits pharmacy benefit managers from reimbursing independent or rural pharmacies an amount less than the rural rate for each prescription drug, under certain circumstances;
- (6) Inserting language that prohibits pharmacy benefit managers from prohibiting a pharmacist or pharmacy to provide certain information to insureds regarding cost sharing or more affordable alternative drugs;
- (7) Inserting language that provides, in responding to the State's request, any information provided in response to a data call from the Insurance Commissioner or designee shall be treated confidential and privileged;
- (8) Clarifying that each pharmacy benefit manager registered in the State shall file a transparency report with the Insurance Commissioner, no later than September 1 of each year, that shall contain certain data from each preceding year and other specified information;
- (9) Inserting language that requires the Insurance Commissioner to perform an annual examination of the negative impacts on independent and rural pharmacies caused by pharmacy benefit managers and the effects of transactions between health plan insurers and pharmacy benefit managers on health plan premiums;
- (10) Removing language that would have required the Insurance Commissioner to publish annual reports on the Insurance Division's website;
- (11) Inserting language that requires the Insurance Commissioner to file annual reports with the Legislature no later than twenty days prior to the convening of each regular session, to include certain information;
- (12) Reverting to existing statutory language regarding the registration requirement for pharmacy benefit managers, rather than a licensing requirement;
- (13) Inserting a definition for "independent or rural pharmacy";
- (14) Removing language that would have defined "trade secret";
- (15) Clarifying the definition for "covered entity";
- (16) Clarifying the definition for "pharmacy benefit manager";
- (17) Clarifying that a pharmacy benefit manager's registration shall not be transferable;
- (18) Clarifying that a pharmacy benefit manager's application for registration shall include any information the Insurance Commissioner may deem necessary;
- (19) Clarifying that the Insurance Commissioner may suspend, revoke, or place on prohibition a registered pharmacy benefit manager if the pharmacy benefit manager commits a violation of section 480-2 or section 481-1, Hawaii Revised Statutes;
- (20) Clarifying the penalties for a person who acts as a pharmacy benefit manager without first being registered;
- (21) Amending section 1 to reflect its amended purpose; and
- (22) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2280, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2280, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Ruderman, Fevella).

SCRep. 2748 Commerce, Consumer Protection, and Health on S.B. No. 2392

The purpose and intent of this measure is to appropriate funds for Imi Hoola student stipends or for other Imi Hoola student support programs at the discretion of the Department of Native Hawaiian Health of the John A. Burns School of Medicine.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Papa Ola Lokahi, 'Ahaui o nā Kauka, The Queen's Health Systems, and twenty-seven individuals.

Your Committee finds that the Imi Hoola Program is a proven diversity pipeline program that provides educational opportunities to disadvantaged students pursuing careers in medicine. The program has successfully equipped deserving local students with the knowledge, skills, and confidence to achieve success in the competitive field of medicine. This measure helps to address the physician

workforce shortage in Hawaii by increasing the number of local physicians through a program that enhances students' academic and professional readiness for medical school.

Your Committee notes that although the appropriation is blank, an appropriation of \$300,000 will be necessary to support the Imi Hoola student stipends and other Imi Hoola student support programs.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2392 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2749 Hawaiian Affairs on S.B. No. 42

The purpose and intent of this measure is to prohibit the Attorney General from investigating nonprofit organizations for exercising their constitutional right to free speech and assembly or practicing native Hawaiian traditional and customary rights expressly protected under article XII, section 7, of the Hawaii State Constitution, with exceptions.

Your Committee received testimony in support of this measure from KAHEA: The Hawaiian-Environmental Alliance, Pono Hawai'i Initiative, Democratic Socialists of Honolulu, Ka Lāhui Hawai'i Political Action Committee, Hawai'i SEED, American Civil Liberties of Hawai'i, Young Progressives Demanding Action, Kūpuna for the Mo'opuna, Mauna Kea Anaina Hou, Kai Palaoa, Ka Lāhui Hawai'i Political Action Committee, and ninety-nine individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General and forty-one individuals. Your Committee received comments on this measure from the Hawai'i Alliance of Nonprofit Organizations and four individuals.

Your Committee finds that the constitutional right to free speech and assembly extends to nonprofit organizations. Your Committee further finds that nonprofits may also promote constitutionally established rights regarding traditional Hawaiian customs and practices. These rights established by article XII, section 7, of the Hawaii State Constitution are no less worthy of protection and preservation as the rights to free speech and to assemble for the purpose of non-violent civil disobedience. Accordingly, this measure allows nonprofit organizations to freely express their constitutional rights without fear of being investigated under certain circumstances.

Your Committee has amended this measure by:

- (1) Incorporating changes by Ken Lawson, a professor at the University of Hawaii, that amends section 28-2.5(a), Hawaii Revised Statutes, with a proviso stating that no investigation shall be conducted in connection with and under circumstances during a period of time in which it is clear that the Attorney General's goals are conflicted with native Hawaiian rights protected by article XII, section 7, of the Hawaii State Constitution and individuals are exercising rights by nonviolent civil disobedience that are protected and granted under the Constitution or state constitution; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 42, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 42, S.D. 2, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kahele).

SCRep. 2750 Hawaiian Affairs on S.B. No. 3067

The purpose and intent of this measure is to require certain public buildings on Hawaiian home lands to display portraits of Prince Jonah Kuhio Kalaniana'ole.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands; Ke One O Kākuhihewa, O'ahu Council of the Association of Hawaiian Civic Clubs; Prince Kūhiō Hawaiian Civic Clubs; and two individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies and two individuals.

Your Committee finds that Prince Jonah Kuhio Kalaniana'ole led the effort to convince the United States Congress to pass the Hawaiian Homes Commission Act of 1920, under which the Department of Hawaiian Home Lands was created. Your Committee further finds that as 2020 is the centennial anniversary for the drafting of the Act, it is appropriate to honor Prince Kuhio's legacy as the author of the Act. This measure will require certain public buildings on Hawaiian home lands to display portraits of Prince Jonah Kuhio Kalaniana'ole to honor Prince Jonah Kuhio Kalaniana'ole.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3067, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3067, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Ihara, Kahele).

SCRep. 2751 (Joint) Public Safety, Intergovernmental, and Military Affairs and Technology on S.B. No. 2888

The purpose and intent of this measure is to establish a Statewide Interoperable Communications Executive Committee for public safety communications and the position of the Statewide Interoperable Communications Coordinator.

Your Committees received testimony in support of this measure from the Department of Defense, Department of Land and Natural Resources, Department of Transportation, Office of Homeland Security, and Office of Enterprise Technology Services. Your Committees received testimony in opposition to this measure from the Honolulu Police Department.

Your Committees find that the ability of first responders and emergency response agencies to effectively communicate with each other, particularly during emergency situations, is essential to protecting the health, safety, and welfare of the public. However, there are many components to creating and maintaining a successful interoperable communications system. These types of communications systems require well-defined leadership staffed with highly-qualified individuals. Your Committees further find that it is necessary to establish a cohesive and coordinated overarching plan, including policies and procedures, that the various agencies involved can follow. Your Committees note that a successful interoperable communications system requires adequate funding for the hiring of staff and purchasing of equipment that will enable coordination among agencies. This measure will create a safe environment for residents and visitors of the State during an emergency by establishing the Interoperable Communications Executive Committee to establish policies and procedures for first responders and emergency response agencies.

Your Committees have amended this measure by:

- (1) Clarifying the duties of the Statewide Interoperable Communications Executive Committee to develop plans and strategies to provide interoperable communications between and among public safety answering points in the State;
- (2) Clarifying that the Statewide Interoperable Communications Executive Committee shall develop plans and strategies to promote statewide public safety communications interoperability using state and county radio communication systems, in addition to the Nationwide Public Safety Broadband Network;
- (3) Replacing references to county emergency communications and dispatch centers with public safety answering points;
- (4) Expanding the membership of the Statewide Interoperable Communications Technical Subcommittee to include any government agency whose duties include the operation of public safety communications systems, including land mobile radio;
- (5) Requiring the leads of state or county radio communication engineers or managers and lead information security managers to serve on the Statewide Interoperable Communications Technical Subcommittee as subject matter experts;
- (6) Clarifying that the Statewide Interoperable Communications Coordinator (Coordinator) shall meet, instead of communicate, regularly with all interoperability stakeholders and partners;
- (7) Requiring the Coordinator to coordinate ongoing assessments of the applicability of new technical developments in communications technologies for state and county public safety radio communication systems and networks;
- (8) Clarifying that the Coordinator shall coordinate interoperability activities with public safety answering points and federal communications systems, and deleting first responder network authorities;
- (9) Requiring the Coordinator to manage communications unit training programs and exercises and work with public safety agencies to assist with credentialing or recognition of their communications personnel;
- (10) Supplementing information in the purpose section; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2888, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2888, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Harimoto).

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Moriwaki).

SCRep. 2752 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 3148

The purpose and intent of this measure is to limit the use of face surveillance, except under certain circumstances.

Your Committee received testimony in support of this measure from the Department of Transportation and Office of the Public Defender. Your Committee received testimony in opposition to this measure from the Department of Accounting and General Services, Honolulu Police Department, Department of Prosecuting Attorney of the City and County of Honolulu, and one individual. Your Committee received comments on this measure from Microsoft.

Your Committee finds that facial recognition technology has become extremely popular as a deterrent against crime and terroristic threats. However, your Committee further finds that the rapid development and proliferation of facial recognition technology has become a serious public concern. Facial recognition technology is used worldwide in airports, stores, and government agencies. Your Committee also finds that the accuracy of facial recognition technology has yet to be fully vetted and is highly dependent on the accuracy of the data entered into the software or algorithms used by each system. The technology has not reached the stage of development where it can successfully and accurately distinguish systematic problems with the types of biases against race, gender, and age. This measure will protect the public against unauthorized uses of information obtained through facial recognition technology by prohibiting the use of facial recognition technology, under certain circumstances.

Your Committee has amended this measure by:

- (1) Authorizing information obtained from a face surveillance system to be obtained, retained, or used, in addition to other situations, for other future public safety applications, the protection of public gatherings where mass violent threats exist, and protection of government facilities and employees; and

- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3148, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3148, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Harimoto).

SCRep. 2753 (Joint) Government Operations and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2898

The purpose and intent of this measure is to allow government agencies to publish public notices on their official website in lieu of or in addition to hardcopy publications, such as newspapers.

Your Committees received testimony in support of this measure from the Department of Health, Department of Taxation, Department of Labor and Industrial Relations, and the Department of Planning and Permitting, City and County of Honolulu. Your Committees received testimony in opposition to this measure from two individuals. Your Committees received comments on this measure from the Office of Information Practices and the Tax Foundation of Hawaii.

Your Committees find that newspaper readership is declining, and the cost of newspaper publication is increasing. Your Committees further find that that declining newspaper readership can be attributed to increased readership of publications online. According to testimony received by your Committees, allowing public notices to be published online will accommodate public preference and increase public visibility on a more accessible platform.

Your Committees have amended this measure by:

- (1) Amending the language to clarify that the electronic posting must be on a central government website used for giving legal notice;
- (2) Inserting an effective date of January 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for consistency and clarity.

Your Committees also note concerns raised by testimony in opposition to this measure, namely that the publication of a public notice online may reduce the visibility of the notice to individuals with disabilities, kupuna, and citizens without access to broadband internet. Your Committees request that the Committee on Ways and Means take these concerns into consideration upon hearing this measure.

As affirmed by the records of votes of the members of your Committees on Government Operations and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2898, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2898, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 5. Noes, none. Excused, none.

SCRep. 2754 Government Operations on S.B. No. 2522

The purpose and intent of this measure is to motivate departments and agencies to adopt the behavior, policies, and operations as necessary to avoid repeated offenses and claims against the State. Specifically, this measure repeals the state risk management revolving fund and requires that claims against the State be paid by the department or agency that is found liable for the claim as determined solely by the attorney general. This measure also authorizes a department or agency that is financially incapable of meeting its obligation under a claim against the State to request that the governor transfer available moneys to meet that obligation, provided that any money transferred is repaid by that department or agency in annual installments.

Your Committee received testimony in support of this measure from Community Alliance on Prisons. Your Committee received testimony in opposition to this measure from the Department of Budget and Finance, Department of Public Safety, Department of the Attorney General, and Department of Accounting and General Services. Your Committee received comments on this measure from the Department of Human Services.

Your Committee recognizes the concerns raised in several testimonies about the elimination of the state risk management revolving fund. However, your Committee also agrees with the original intent of this bill, which directs the agency which incurred the liability to share in the payment of any settlement or judgement, with or without the admission of liability, as an effective way of ensuring that it changes its behavior, policies, or operations as necessary to avoid repeated offenses.

Your Committee has amended this measure by replacing the original measure with language proposed by the Department of the Attorney General that reflects current practices of the departments and agencies regarding claims against the State valued at over \$25,000, while leaving the Legislature the flexibility to require a department, agency, or agencies found liable to pay the total or a portion of the amount of a claim made against the State.

Your Committee notes that a copy of the Attorney General's recommendation should go to the Senate President, Speaker of the House of Representatives, and the Chairs of the Judiciary Committees in both chambers. Your Committee notes that the intent of this bill is to motivate good policies, training, and programs that minimize state liability. Therefore, the Attorney General's evaluation of a department's culpability is helpful, as there are times the State may find itself the target of liability due to its "deep pockets".

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2522, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2522, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2755 Government Operations on S.B. No. 2842

The purpose and intent of this measure is to authorize emergency procurements in situations such as equipment failure and repairs to public property that are necessary to protect against further loss or damage to public property, or to prevent or minimize serious disruptions in government services. This measure also removes the need for approval of the Chief Procurement Officer for these emergency procurements, provided that an accounting report is submitted to the Legislature within sixty days after the end of the fiscal year in which the emergency procurement was made.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services, Department of Agriculture, and the Department of Transportation. Your Committee received comments on this measure from the State Procurement Office.

Your Committee finds that the proposed language of this measure aligns with and expands the current emergency procurement statute to add situations of an unusual or compelling urgency such that without the continued government service, there would be a threat to life, public health, welfare, and/or safety. This measure also allows greater flexibility and efficiency for the appropriate department or agency to directly address the need, determine and perform appropriate action, and close out financial obligations to restore the conditions of the property or operation against further loss, damage, or serious disruptions in essential government services.

Your Committee has amended this measure by:

- (1) Defining situations where emergency procurement is necessary, such as equipment failure and repairs to public property, and more specifically, as recommended by the Department of Accounting and General Services, as situations of significant impact to ensure public access caused by any unexpected major national disaster, epidemic, riot, or fire, or to minimize serious disruption in government functioning;
- (2) Requiring a report to the Legislature to be submitted within sixty days of the event for which the procurement was made;
- (3) Including the procurement of emergency construction, in addition to goods and services allowed in section 103D-102(b)(4), Hawaii Revised Statutes, as suggested by the State Procurement Office;
- (4) Making it effective upon its approval; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2842, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2842, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

SCRep. 2756 (Joint) Education and Human Services on S.B. No. 3156

The purpose and intent of this measure is to:

- (1) Establish a statewide transition success network for high school students with disabilities; and
- (2) Appropriate funds.

Your Committees received testimony in support of this measure from the State Public Charter Commission and nine private individuals. Your Committees received comments on this measure from the Department of Education.

Your Committees find that the State must prepare students with disabilities for success after high school through experiences in post-secondary education, vocational training, and competitive employment. The Department of Education has been in discussions with the University of Hawaii Center on Disability Studies on how best to collaborate effectively on these matters. These discussions are at an advanced stage and may serve as the appropriate foundation for a pilot project at one high school starting fiscal year 2020-2021, with the Department of Education providing start-up and technical assistance activities. It is your Committees' intention that this pilot project shall develop into an ongoing statewide transition network beginning in fiscal year 2021-2022, which would require additional funding to fully implement.

Your Committees have amended this measure by:

- (1) Deleting appropriations to the University of Hawaii and Department of Education school districts;
- (2) Inserting blank amounts for the remaining appropriations for the pilot program and Department of Education start-up and technical assistance costs;
- (3) Establishing a pilot program that shall start in one high school during school year 2020-2021;
- (4) Pushing back the start date of the statewide transition success network to school year 2021-2022;
- (5) Clarifying that charter school students are included in this measure;

- (6) Stipulating that the University of Hawaii and Department of Education shall collaborate in the selection of the initial high school for the pilot program; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Education and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3156, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3156, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
 Education: Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Kanuha).
 Human Services: Ayes, 4. Noes, none. Excused, 1 (Ihara).

SCRep. 2757 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2329

The purpose and intent of this measure is to improve motorist safety by strengthening laws regarding ignition interlock devices, including requiring consecutive terms of imprisonment for habitual offenders; requiring a person operating a vehicle with an ignition interlock device to have a government issued identification on their person, which would allow police to verify the identity of the driver as the ignition interlock device permit holder; and adding a provision prohibiting the obstruction of a camera lens associated with an ignition interlock device.

Your Committees received testimony in support of this measure from the Department of Transportation; Department of the Prosecuting Attorney, City & County of Honolulu; Office of the Prosecuting Attorney, County of Hawaii; Mothers Against Drunk Driving; Smart Start; and one individual. Your Committees received testimony in opposition to this measure from the Office of the Public Defender.

Your Committees find that there are an increasing number of traffic fatalities involving alcohol and drugs in Hawaii. Your Committees further find that Hawaii's laws on operating a vehicle under the influence of an intoxicant contain omissions that prevented it from functioning as intended. This measure fixes these omissions by requiring consecutive terms of imprisonment for habitual offenders; requiring a person operating a vehicle with an ignition interlock device to have a government issued identification on their person, which would allow police to verify the identity of the driver as the ignition interlock device permit holder; and adding a provision prohibiting the obstruction of a camera lens associated with an ignition interlock device. Your Committees further find that courts should have the discretion to impose sentencing in each case and that adding a subsection to section 291E-62(c) would obviate the need to amend sections 291E-61 and 291E-61.5, Hawaii Revised Statutes.

Therefore, your Committees have amended this measure by:

- (1) Amending the mandatory one year imprisonment sentencing in section 291E-62 to be no less than six months and no more than one year;
- (2) Adding a provision that requires consecutive terms of imprisonment for certain offenders;
- (3) Deleting the amendments made to sections 291E-61 and 291E-61.5, Hawaii Revised Statutes; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2329, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2329, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.
 Transportation: Ayes, 4. Noes, none. Excused, 1 (English).
 Public Safety, Intergovernmental, and Military Affairs: Ayes, 5. Noes, none. Excused, none.

SCRep. 2758 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 3158

The purpose and intent of this measure is to increase highway safety by making it a violation of Hawaii's highway safety law to intentionally or knowingly manufacture, import, distribute, sell, and install nonfunctional or counterfeit airbags, or to intentionally or knowingly sell or install a device that causes the diagnostic system of a motor vehicle to fail to warn of the counterfeit, nonfunctional, or of the absence of an airbag in the motor vehicle.

Your Committees received testimony in support of this measure from the Department of Transportation; National Insurance Crime Bureau; Alliance for Automotive Innovation; Automotive Anti-Counterfeiting Council, Inc.; Honda North America, Inc.; and one individual. Your Committees received testimony in opposition to this measure from the Hawaii Auto Dealers Association.

Your Committees find that airbags that meet federal safety requirements that are properly installed are an important safety device and vehicle owners who have them repaired expect that the repaired airbag to also meet the same federal safety requirements and are properly installed in the motor vehicle. Your Committees find that counterfeit airbags present a serious public safety risk to consumers. Counterfeit airbags are known to malfunction by either failing to inflate or by inflating but expelling dangerous shrapnel. This measure provides recourse for motor vehicle owners who have the misfortune of having an airbag replaced with a worthless counterfeit. Your Committees note that the measure as written could have the unintended consequence of exposing a person who sells a used vehicle not knowing that the used vehicle has a nonfunctioning or counterfeit airbag to felony prosecution. Therefore, your Committees have amended this measure by adding language to clarify that the penalty only applies to a person who has the intent that the counterfeit airbag replace the original automaker airbag.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3158, as

amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3158, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 4. Noes, none. Excused, 1 (English).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 5. Noes, none. Excused, none.

SCRep. 2759 (Joint) Energy, Economic Development, and Tourism and Transportation on S.B. No. 3028

The purpose and intent of this measure is to require the Hawaii State Energy Office to provide recommendations for a comprehensive approach to the development of electric vehicle infrastructure.

Your Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs; Hawaii State Energy Office; Hawaii Climate Change Mitigation and Adaptation Commission; State Procurement Office; Hawaii Electric Company, Inc.; Ulupono Initiative; and 350Hawaii. Your Committees received comments on this measure from Tesla and Life of the Land.

Your Committees find that the use of fossil fuels in the State is the primary contributor to greenhouse gas emissions in the atmosphere, which poses a serious threat to Hawaii's economic well-being, public health, infrastructure, and environment. Hawaii's dependence on fossil fuels drains the economy of billions of dollars each year, which makes residents vulnerable to the volatility of oil prices. To address the increasing emission of greenhouse gasses in the State, more residents are purchasing electric vehicles as a cost-effective alternative to fossil fuel powered vehicles in the State. The State must be equipped with necessary infrastructure that can support electric vehicles for Hawaii to be fully carbon neutral. This measure will prepare the State to have the necessary infrastructure to support electric vehicles by requiring the Hawaii State Energy Office to make recommendations for a comprehensive approach to the development of electric vehicle infrastructure.

Your Committees find that this measure will require the Hawaii State energy office to complete the study and submit a report to the Legislature twenty days prior to the convening of the Regular Session of 2022. Your Committees note that this deadline may not be enough time for the Hawaii State Energy Office to complete this extensive study and, therefore, recommend that the Hawaii State Energy Office make a determination on the feasibility of meeting the deadline as proposed in this measure and raise any issue regarding the deadline with your Committee on Ways and Means.

Your Committees heard testimony regarding the inclusion of various stakeholders to participate in the study so that the study can cover a broad range of opinions and make recommendations from entities with varying expertise.

Accordingly, your Committees have amended this measure by:

- (1) Expanding the study to include all vehicles that are powered by renewable energy, instead of focusing only on electric vehicles;
- (2) Requiring the study to take into consideration the development of filling and charging stations for vehicles that are powered by renewable energy, in addition to the repair and maintenance;
- (3) Deleting language relating to electric utilities to incentivize the development of electric vehicle infrastructure;
- (4) Requiring the study to evaluate incentives that encourage the development and adoption of electric vehicle infrastructure and who can best provide those incentives;
- (5) Requiring the study to examine ways the State can engage with vehicle manufacturers and local car dealers;
- (6) Requiring the Hawaii State Energy Office to solicit feedback from pertinent stakeholders prior to finalizing its proposed recommendations to the Legislature;
- (7) Deleting language that authorized the Hawaii State Energy Office to contract services of a consultant that is exempt from procurement laws; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3028, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3028, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

Transportation: Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (English).

SCRep. 2760 (Joint) Energy, Economic Development, and Tourism and Housing on S.B. No. 2396

The purpose and intent of this measure is to require affordable housing to be included as part of the development or redevelopment plan for state transit-oriented development along the rail transit corridor.

Your Committees received testimony in support of this measure from the Office of Planning and two individuals. Your Committees received comments on this measure from the Chamber of Commerce Hawaii and Building Industry Association Hawaii.

Your Committees find that there is a severe lack of affordable housing and is in critical need of the development and construction of affordable housing units. Your Committees further find that the transit-oriented development associated with the construction of a rail transit system on Oahu has the potential to fulfill a housing goal of developing a significant number of affordable housing units. Your Committees believe that requiring an affordable housing component as part of development and redevelopment of state properties

along the rail transit line will increase the affordable housing stock and encourage use of the transit system. This measure will assist in focusing the State's efforts on affordable housing and promote the benefits of the rail system.

Your Committees have amended this measure by:

- (1) Requiring the housing units be reserved for residents who are residents of the State, will personally occupy the unit, and own no other real property, instead of an income requirement;
- (2) Exempting the rail transit corridor located in Halawa from being required to have its development plan include housing units; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2396, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2396, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Taniguchi).

Housing: Ayes, 5. Noes, none. Excused, none.

SCRep. 2761 (Joint) Public Safety, Intergovernmental, and Military Affairs and Technology on S.B. No. 2406

The purpose and intent of this measure is to appropriate funds to the county police departments to purchase and deploy explosion detection technology to locate and respond to explosions caused by illegal use of firearms and fireworks.

Your Committees received testimony in support of this measure from two individuals. Your Committees received testimony in opposition to this measure from the Honolulu Police Department and one individual. Your Committees received comments on this measure from one individual.

Your Committees find that illegal use of firearms and fireworks can cause safety risks, health hazards, and traumatic impacts to residents and visitors of the State. Your Committees recognize that the county police departments are constantly trying to improve methods of detecting the use of a firearms and fireworks throughout the State. Your Committees note that a police department in Denver utilizes new technology that allows a law enforcement officer to instantly detect and locate the geographic origin of explosions caused by gunfire or fireworks. According to the Denver police department, this technology has allowed them to receive notification of gunshots within forty seconds. This measure will provide funding to the county police departments to acquire technology that will allow them to detect any gunfire or firework that goes off in the State to ensure the safety of the State's residents and visitors.

Your Committees have amended this measure by:

- (1) Deleting the allocation of the appropriation to the City and County of Honolulu; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2406, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2406, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Public Safety, Intergovernmental, and Military Affairs: Ayes, 4. Noes, none. Excused, 1 (Harimoto).

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Moriwaki).

SCRep. 2762 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2520

The purpose and intent of this measure is to establish procedures for the use of administrative and disciplinary segregation in correctional facilities.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Hawai'i Friends of Restorative Justice, Community Alliance on Prisons, and six individuals. Your Committee received testimony in opposition to this measure from the Department of Public Safety and one individual. Your Committee received comments on this measure from one individual.

Your Committee finds that incarcerated individuals with mental health issues are more likely to be placed in solitary confinement than other incarcerated individuals. These individuals who have been placed in solitary confinement are found to have higher rates of recidivism, and even higher rates of recidivism if the individual has a mental health issue. Your Committee notes that while the Department of Public Safety participates with the American Correctional Association in standardizing its policies on administrative and disciplinary segregation according to current national best practices, your Committee believes that creating a minimum standard in statute helps ensure appropriate oversight of solitary confinement. This measure will provide the guidance and rules needed to better regulate the use of solitary confinement and segregation by the Department of Public Safety throughout the State.

Your Committee has amended this measure by:

- (1) Defining the terms "indefinite", "prolonged", and "continuously"; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2520, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2520, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 2763 (Joint) Judiciary and Government Operations on S.B. No. 3163

The purpose and intent of this measure is to require the Office of the Legislative Analyst to prepare economic impact statements that must be attached to a bill before the bill may pass out of either house of the Legislature.

Your Committees received testimony in support of this measure from the Department of Taxation; Chamber of Commerce Hawaii; Maui Chamber of Commerce; Libertarian Party of Hawaii; Hawaii Food Industry Association; Island Plastic Bags, Inc.; and two individuals.

Your Committees find that it is important for decision-makers to have as much information as possible when making determinations regarding proposed legislation to make the best decisions for the public. Some states use some form of economic or fiscal impact statement to evaluate pending legislation. Your Committees find that economic impact statements can provide decision-makers and the general public with helpful, nonpartisan estimates of the economic impact of proposed legislation on state revenues and expenditures. This measure requires economic impact statements to accompany proposed legislation in the State. Such statements will enable legislators to make informed decisions about the State's budget and whether a proposed bill has merit or should be revised to reduce costs or raise revenues.

Your Committees further find that the State established the Joint Legislative Budget Committee and Office of the Legislative Analyst, to be administered by the Committee, in 1990. Under existing statute, the purpose of the Office of the Legislative Analyst is to provide research and analysis on fiscal policy, budget submittals, and other economic matters, among other things. Your Committees' understanding is that this position has never been funded. This measure provides funding for the Office of the Legislative Analyst to enable it to prepare economic impact statements for the Legislature as part of the Legislative Branch.

Your Committees have amended this measure by:

- (1) Requiring economic impact statements beginning with the Regular Session of 2022;
- (2) Clarifying that the economic impact statement shall be made readily available, but not physically attached to a bill;
- (3) Providing that failure to prepare an economic impact statement shall not invalidate the vote of either chamber of the Legislature;
- (4) Specifying that each economic impact statement should additionally contain positive and negative effects in the short- and long-term and social benefits;
- (5) Expanding the definition of "economic impact statement" to include specific criteria;
- (6) Inserting an appropriation amount of \$350,000 for FY 2020-2021 for the Office of the Legislative Analyst; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3163, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3163, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Judiciary: Ayes, 4. Noes, none. Excused, 1 (Kim).
Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker).

SCRep. 2764 Judiciary on S.B. No. 3074

The purpose and intent of this measure is to:

- (1) Increase the maximum amount of public funds available in each election to certain state and county candidates by ten percent annually; and
- (2) Increase the amount of voluntary state income tax check-off contributions that may be designated for the Hawaii election campaign fund beginning on January 1, 2021.

Your Committee received testimony in support of this measure from Common Cause Hawaii and six individuals. Your Committee received comments on this measure from the Department of Taxation and Campaign Spending Commission.

Your Committee finds that the amount of public funds available for campaigns has not changed since 1995, despite the consistent increase in the costs of elections over the decades. Your Committee finds that increasing the amounts of public financing available to candidates will provide a more competitive playing field in public elections.

Your Committee further finds that taxpayers may designate a certain amount of their owed tax liability to be transferred from the general fund to the Hawaii Election Campaign Fund as state income tax check-off contributions. The intent of this measure is to increase the amount that may be designated to the Hawaii Election Campaign Fund and to allow taxpayers with income levels of \$200,000 or more to designate higher amounts of state income tax check-off contributions to the Fund.

Your Committee has amended this measure by:

- (1) Deleting section 2 and instead amend existing statutory language to allow higher income earners to designate state income tax check-off contributions to be transferred to the Hawaii Election Campaign Fund at a higher rate; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3074, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3074, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2765 Agriculture and Environment on S.B. No. 2380

The purpose and intent of this measure is to establish a new waste management solution pilot project to be conducted by the Department of Health.

Your Committee received testimony in support of this measure from the Department of Health, Board of Water Supply of the City and County of Honolulu, Department of Environmental Services of the City and County of Honolulu, Ulupono Initiative, and two individuals.

Your Committee finds that pollution from cesspools is harming water quality in the State. Currently, there are roughly eighty-eight thousand cesspools that are potentially contaminating streams, oceans, ground water, drinking water, and marine areas around the State. Your Committee further finds that new sewage management technologies, including self-contained, self-powered, and self-cleaning toilets, may be viable solutions to Hawaii's waste problem.

Your Committee also finds that Act 132, Session Laws of Hawaii 2018 (Act 132), established the cesspool conversion working group and tasked it with developing a long-range, comprehensive plan for cesspool conversion statewide, including methods by which the Department of Health can ensure that cesspools are converted into more environmentally-responsible waste treatment systems. This measure compliments Act 132 by establishing a pilot project to review available waste management technologies across different topographies in Hawaii.

Your Committee has amended this measure by:

- (1) Replacing the Department of Health with the University of Hawaii's Water Resources Research Center as the lead agency; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2380, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2380, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Thielen).

SCRep. 2766 Labor, Culture and the Arts on S.B. No. 3012

The purpose and intent of this measure is to clarify the role of an Employer-Union Health Benefits Trust Fund trustee to require that each trustee administer the fund for the sole and exclusive benefit of the beneficiaries.

Your Committee received testimony in support of this measure from the University of Hawaii Professional Assembly and the Hawaii Government Employees Association, AFSCME Local 152. Your Committee received testimony in opposition to this measure from the Department of Budget and Finance.

Your Committee finds that under existing law, Employer-Union Health Benefits Trust Fund trustees must consider both the public employers and public employees when administering health and other benefit plans. This measure requires the Employer-Union Health Benefits Trust Fund trustees to administer health care and other benefit plans for the sole and exclusive benefit of the beneficiaries.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3012 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2767 Labor, Culture and the Arts on S.B. No. 3141

The purpose and intent of this measure is to appropriate funds to the Department of Labor and Industrial Relations, Office of Community Services to contract with non-profit service providers for legal counsel to assist and represent low-income immigrants in immigration proceedings and immigrant status cases.

Your Committee received testimony in support of this measure from the Department of Human Services, Office of Community Services, Filipina Advocacy Network, The Legal Clinic, Filipinos for Affirmative Action, Domestic Violence Action Center, and eight individuals.

Your Committee finds that many immigrants seek to continue or obtain legal status and citizenship in this country. However, they face barriers to obtaining legal status and citizenship. Low-income immigrants often lack the resources to obtain legal representation, which may have a profound impact on the immigrants' ability to receive a fair hearing.

Your Committee further finds that immigrants are an integral part of Hawaii's diverse, multicultural community and make extensive contributions to the State. Given the current political climate, a significant number of low-income immigrants are at risk of being detained or deported. Therefore, there are vital public policy reasons behind providing counsel to immigrants in immigration proceedings.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to encourage further discussion;
- (2) Inserting a blank appropriation amount; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3141, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3141, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2768 Commerce, Consumer Protection, and Health on S.B. No. 2350

The purpose and intent of this measure is to:

- (1) Establish a task force within the Department of Health to identify therapies and home- and community-based care services that may benefit persons having fetal alcohol spectrum disorders, including therapies and treatments that may benefit them as adults; and
- (2) Require the task force to submit a report on its findings and recommendations to the Legislature.

Your Committee received testimony in support of this measure from the State Council on Developmental Disabilities, Hawai'i Psychological Association, Hawaii Disability Rights Center, Hawaii Substance Abuse Coalition, and eight individuals. Your Committee received comments on this measure from the Department of Human Services and Department of Health.

Your Committee finds that many persons who have been diagnosed with fetal alcohol spectrum disorder face profound challenges in navigating the State's present system of care. Many individuals with diagnoses on the spectrum cope with lifelong physical, cognitive, or behavioral disabilities but age out of eligibility for care services once they become adults. The absence of these care services can be devastating for those who face cognitive or behavioral deficits due to their conditions, as approximately fifty percent of persons diagnosed with fetal alcohol spectrum disorder ultimately become involved with the criminal justice system. This measure helps in the identification of therapies and home- and community-based care services that may benefit persons having fetal alcohol spectrum disorders, including therapies and treatments that may benefit them as adults.

Your Committee has amended this measure by:

- (1) Adding representatives to the task force from the Adult Mental Health Division of the Department of Health, Child and Adolescent Mental Health Division of the Department of Health, and Hawaii Substance Abuse Coalition;
- (2) Inserting language that requires the study by the task force to include strategies to reduce the incidence and impact of fetal alcohol spectrum disorder in Hawaii;
- (3) Inserting language that allows two or more members of the task force to discuss, under certain conditions, matters relating to official business of the task force; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2350, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2350, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2769 Commerce, Consumer Protection, and Health on S.B. No. 2224

The purpose and intent of this measure is to appropriate funds for structure improvements for Maui Memorial Medical Center, under certain conditions.

Your Committee received testimony in support of this measure from one member of the Maui County Council; Maui Health System; and United Public Workers, AFSCME, Local 646, AFL-CIO.

Your Committee finds that an on-site parking structure for Maui Memorial Medical Center is one of the biggest needs for the hospital, as there is a critical need for at least five hundred twenty more parking spaces to accommodate the significant number of patients and family members that utilize the services each day. Additionally, hospital staff must often park far away, which increases their daily commute time and concerns for safety.

Your Committee has amended this measure by:

- (1) Changing the funding source from general revenues to general obligation bonds for structure improvements for Maui Memorial Medical Center and making conforming amendments; and

- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2224, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2224, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2770 Commerce, Consumer Protection, and Health on S.B. No. 2899

The purpose and intent of this measure is to repeal the fund ceiling on the Civil Monetary Penalty Special Fund used by the Department of Health for compliance activities approved by the Centers for Medicare and Medicaid Services.

Your Committee received testimony in support of this measure from the Department of Health and Healthcare Association of Hawaii. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that federal civil monetary penalties may be assessed on Medicare certified skilled nursing facilities by the Department of Health and Human Services Centers for Medicare and Medicaid Services and shared with states. In Hawaii, these monetary penalties are assessed when facilities are cited for non-compliance with federal certification requirements as found during federal recertification surveys conducted by the Department of Health's Office of Health Care Assurance.

Your Committee further finds that the Civil Monetary Penalty Special Fund was created for the deposit and expenditure of monetary penalties shared with Hawaii. The Civil Monetary Penalty Special Fund currently has a spending ceiling of \$30,000 per year, an amount that was determined during a time of infrequent and lower amounts of assessed monetary penalties. However, during recent years, the special fund balance has increased significantly. Removing the spending ceiling will further align the special fund with the civil monetary penalty reinvestment program, a three-year effort by the Centers for Medicare and Medicaid Services to reduce adverse events, improve staffing quality, and improve dementia care in nursing homes.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2899, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2899, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2771 Commerce, Consumer Protection, and Health on S.B. No. 2541

The purpose and intent of this measure is to:

- (1) Require massage therapy licensees to complete twelve hours of continuing education within the two-year period preceding the renewal date, two hours of which shall include first aid, cardiopulmonary resuscitation, or emergency related courses, beginning with the renewal for the licensing biennium commencing July 1, 2022, and every biennial renewal thereafter; and
- (2) Update advertising restrictions and penalties.

Your Committee received testimony in support of this measure from the American Massage Therapy Association. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of the Attorney General and Board of Massage Therapy.

Your Committee finds that the practice of massage in the State affects public health and safety. Requiring massage therapists to complete continuing education alongside their licensing renewal requirements, including two hours of emergency related courses, will help elevate the massage therapy profession to the highest standards of qualifications and safety. Further, Hawaii residents can be assured they are being treated by a professional who has studied the most current trends and best practices of the industry. This measure will also modernize advertising restrictions and penalties, as existing state law was enacted when social media platforms did not exist.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2541, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2541, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2772 Energy, Economic Development, and Tourism on S.B. No. 2072

The purpose and intent of this measure is to require the State Energy Office, in cooperation with the Governor, to establish a strategic plan identifying clear benchmarks to establish one hundred percent renewable energy by 2045.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office; Climate Protectors Coalition; We Are One, Inc; 350Hawaii; Ulupono Initiative; Imua Alliance; and thirteen individuals. Your Committee received testimony in

opposition to this measure from the Life of the Land, Our Revolution Hawaii, and one individual. Your Committee received comments on this measure from the Department of Business, Economic Development, and Tourism; Hawaiian Electric Company, Inc.; and one individual.

Your Committee finds that Hawaii's dependence on imported fuel hinders the State's economy. To decrease Hawaii's dependence on imported fuels, the Legislature passed Act 97, Session Laws of Hawaii 2015, which requires all electric utility companies to establish a renewable portfolio standard of one hundred percent of its net electricity sales by December 31, 2045. However, your Committee further finds that no strategic plan currently exists for the attainment of this goal. This measure will require the State Energy Office, in collaboration with the Governor, to establish a strategic plan to identify clear benchmarks to reach the goal established in Act 97, Session Laws of Hawaii 2015.

Your Committee has amended this measure by:

- (1) Supplementing the information in the purpose section;
- (2) Requiring the Hawaii State Energy Office, instead of the Department of Business, Economic Development, and Tourism, to submit the strategic plan to the Legislature;
- (3) Changing the due date of the strategic plan from twenty days prior to the Regular Session of 2021 to twenty days prior to the Regular Session of 2022;
- (4) Inserting an appropriation of \$450,000 to develop a strategic plan; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2072, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2072, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

SCRep. 2773 Energy, Economic Development, and Tourism on S.B. No. 3035

The purpose and intent of this measure is to establish the ocean sciences research tax credit to foster research and development in ocean sciences.

Your Committee received testimony in support of this measure from the Natural Energy Laboratory of Hawaii Authority; Makai Ocean Engineering, Inc.; Chamber of Commerce Hawaii; and one individual. Your Committee received comments on this measure from the Department of the Attorney General, Department of Taxation, and Tax Foundation of Hawaii.

Your Committee finds that Hawaii needs to focus on new and innovative ways of bringing in money to support high-demand jobs for Hawaii's economy to flourish. The geographical location of Hawaii makes research and development in ocean sciences an essential part of the State's sustainability goals and promotes the creation of innovation and technology that are beneficial to enhancing the State's economy. Your Committee finds that Hawaii is a prime location to be a leader in ocean sciences and has the natural resources to attract different business and revenues to the State. Focusing on the research and development industry for ocean sciences will create a wide range of highly-skilled workers and high-paying jobs for people in the State. This measure will diversify the State's economy and bring in new jobs in ocean sciences, research, and development.

Your Committee has amended this measure by:

- (1) Prohibiting a qualified entity from claiming other tax credits for expenses or costs paid with an investment made into a qualified entity for which an ocean sciences research tax credit was claimed;
- (2) Defining "small business" to mean a business that employs ten or less employees and has revenues of less than \$1,000,000 a year;
- (3) Making this measure apply to taxable years beginning after December 31, 2020; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3035, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3035, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2774 (Joint) Energy, Economic Development, and Tourism and Water and Land on S.B. No. 3061

The purpose and intent of this measure is to amend the nominating authority of the representatives of the Heeia Community Development District, Kalaeloa Community Development District, and Kakaako Community Development District in the Hawaii Community Development Authority.

Your Committees received testimony in support of this measure from Hawaii's Thousand Friends, Kaka'ako United, and two individuals.

Your Committees find that the Hawaii Community Development Authority is the state agency with jurisdiction over all community development districts in the State. Your Committees further find that under existing law, the county councils are authorized to nominate members to represent each community development district the Hawaii Community Development Authority Board. This allowed county council members who are not representatives of certain community development districts to have authority to influence the removal and selection of members of the Hawaii Community Development Authority Board. Your Committees believe that as the community development districts are under the direction of the Hawaii Community Development Authority, a state agency, the authority to nominate members to the board should lay with state representatives. This measure will authorize the appropriate state representatives to nominate board members, who will in turn represent each community development district, to the Hawaii Community Development Authority Board.

Your Committees have amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3061, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3061, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair and Senate President on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Taniguchi, Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

SCRep. 2775 Higher Education on S.B. No. 2690

The purpose and intent of this measure is to encourage University of Hawai'i Maui students to study abroad in other countries by appropriating \$37,500 for scholarships that subsidize travel expenses and tuition.

Your Committee received testimony in support of this measure from the University of Hawai'i System and one member of the Maui County Council.

Your Committee finds that students studying abroad gain foreign languages skills and cross-cultural competence and develop economic and educational relationships in an increasingly globalized world. According to testimony received by your Committee, studying abroad also maximizes the global learning and stimulates the enrollment of international students at each partnering institution. However, the major challenge for most interested students is cost.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2690 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Kahele, Keith-Agaran).

SCRep. 2776 (Joint) Education and Higher Education on S.B. No. 2296

The purpose and intent of this measure is to establish a working group to create a state plan to:

- (1) Make completion of the Free Application for Federal Student Aid (FAFSA) or an opt-out waiver a statewide graduation requirement by the 2022-2023 school year; and
- (2) Appropriate funds.

Your Committees received testimony in support of this measure from the State Public Charter School Commission, Hawaii State Teachers Association, HawaiiKidsCAN, Chamber of Commerce Hawaii, GEMAS Consulting, and thirteen private individuals. Your Committees received comments on this measure from the Department of Education and State of Hawaii Office of Information Practices.

Your Committees find that making FAFSA completion a graduation requirement will help ensure that high school graduates don't miss out on post-secondary educational opportunities merely because they can't afford to pay for it. Multiple financial aid options are available for students who apply, including federal grants, loans, and work-study. Encouraging students to apply by making it a graduation requirement will help dispel the common misconception students have that they won't qualify for available aid. Your Committees recognize the important role of public education in providing support for students and their families in completing applications for post-secondary education.

Your Committees further find that the Department of Education has established a working group, including representatives from the Department's Data Governance and Analysis, Communications, and Student Services Branches and the Hawaii P-20 Partnerships for Education, tasked with providing a statewide approach to increasing awareness and completion rates of FAFSA. Your Committees find this existing entity to be an appropriate vehicle for addressing the purpose and intent of this measure.

Your Committees further find that the working group should be expanded to include a representative from the non-profit sector to bring a community-based perspective to the group's efforts. Your Committees strongly urge the working group to take into consideration the needs of both public and private universities, as well as those of the philanthropic community.

Your Committees have amended this measure by:

- (1) Assigning the tasks of this measure to a preexisting Department of Education working group on FAFSA;
- (2) Adding a representative of the nonprofit sector to the working group;

- (3) Adding consideration of the needs of both the public and private universities, as well as those of the philanthropic community; and
- (4) Deleting the section making an appropriation.

As affirmed by the records of votes of the members of your Committees on Education and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2296, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2296, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
 Education: Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).
 Higher Education: Ayes, 5. Noes, none. Excused, none.

SCRep. 2777 Commerce, Consumer Protection, and Health on S.B. No. 2506

The purpose and intent of this measure is to authorize the Mental Health and Substance Abuse Special Fund to be used for capital improvements.

Your Committee received testimony in support of this measure from the Department of Health, one member of the Hawai'i County Council, Hawaii Psychological Association, Hawaii Substance Abuse Coalition, Hawaii Disability Rights Center, Community Alliance on Prisons, Mental Health America of Hawai'i, Catholic Charities Hawai'i, Hawaii Kai Homeless Task Force, and one individual.

Your Committee finds that there are individuals who enter and reenter the health care system through emergency departments, often under a designation for emergency examination. Upon discharge but before long-term rehabilitation and treatment may continue, some of these individuals will require several days or weeks to deescalate from their crisis in a controlled environment. Also, if they are reintegrated to the community prematurely, the cycle of relapse and decompensation often continues.

Your Committee further finds that subacute residential stabilization services, otherwise known as crisis stabilization beds, and transitional placement will bridge the gap for individuals in crisis for whom acute inpatient hospitalization is unnecessary and will provide the needed environments where individuals with severe and persistent mental illness are able to live semi-independently but can return quickly to higher levels of care when they start to decompensate. However, Hawaii's treatment resources do not currently include crisis stabilization beds or supported transition units. Therefore, it is necessary to find ways to identify underutilized state facilities and existing resources to expand program operations for crisis stabilization beds and transitional placement units.

Your Committee has amended this measure by:

- (1) Inserting language that requires the Department of Health to:
 - (A) Identify capital improvement projects that should be made with funds from the Mental Health and Substance Abuse Special Fund to improve the continuum of care for behavioral health;
 - (B) Identify the amounts required for the identified capital improvement projects;
 - (C) Develop plans to investigate whether private non-profits could operate state facilities for underused beds, supplement state funding to remodel through fundraising, and access non-state funds to support operations; and
 - (D) Submit a report of its findings and recommendations to the Legislature prior to the convening of the Regular Session of 2021; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2506, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2506, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
 Ayes, 7. Noes, none. Excused, none.

SCRep. 2778 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 3091

The purpose and intent of this measure is to authorize the Hawaii Medical Board to certify emergency medical technicians other than emergency ambulance services.

Your Committee received testimony in support of this measure from the State Fire Council, Honolulu Fire Department, Hawai'i Fire Department, Kaua'i Fire Department, Maui Fire Department, Honolulu Emergency Services Department of the City and County of Honolulu, and three individuals. Your Committee received testimony in opposition to this measure from the Department of Health. Your Committee received comments on this measure from the Hawaii Medical Board.

Your Committee finds that emergency medical technicians are an integral component of Hawaii's emergency medical system. Emergency medical technicians are expected to respond and are being dispatched by the State's 911 system to provide emergency medical care. Despite this, existing law only certifies emergency ambulance personnel and not emergency medical technicians who have completed a certification at the national level. Your Committee believes that the State should have some degree of oversight regarding training and performance by emergency medical technicians to better ensure the safety of the public. This measure will supply the State with additional emergency medical responders by requiring the Hawaii Medical Board to certify emergency medical technicians who have completed the National Registry of Emergency Medical Technicians certification.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3091 and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Harimoto).

SCRep. 2779 Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2644

The purpose and intent of this measure is to:

- (1) Repeal the authorization for the Governor to negotiate with any person for the development or expansion of a private correctional facility; and
- (2) Prohibit the establishment of a private correctional facility.

Your Committee received testimony in support of this measure from the Community Alliance on Prisons, Hawaii Government Employees Association, Imua Alliance, Hawai'i Friends of Restorative Justice, and two individuals. Your Committee received testimony in opposition to this measure from the Department of Public Safety and one individual.

Your Committee finds that private correctional facilities are for-profit entities that lack transparency and accountability for incarcerated individuals. Public correctional facilities ensure that consistent policies, protocols, and standards are maintained for incarcerated individuals; employees are properly trained; and medical programs and treatment are readily available. The privatization of correctional facilities perpetuates the cycle of crime by providing a financial motivation to the criminalization of nonviolent offenses and the imposition of longer sentences. Your Committee further finds that private correctional facilities are not subject to the same requirements of a public correctional facility such as Hawaii's Uniform Information Practices Act. This can make prison events and conditions impossible to evaluate, potentially leaving the State powerless to hold a private correctional facility accountable. This measure will ensure that Hawaii's correctional facilities can be held accountable by prohibiting any private correctional facility in the State.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2644 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3; Ayes with Reservations (Wakai). Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 2780 Agriculture and Environment on S.B. No. 3041

The purpose and intent of this measure is to:

- (1) Extend the deadline by which the Department of Agriculture shall submit its strategic plan outlining strategies, benchmarks, and metrics to achieve the goal of doubling food production in, and increasing food exports out of, the State by 2030; and
- (2) Extend the lapse date for the funds appropriated by Act 151, Session Laws of Hawaii 2019;

Your Committee received testimony in support of this measure from the Department of Agriculture, Land Use Research Foundation of Hawaii, Hawai'i Farm Bureau, and one individual.

Your Committee finds that Act 151, Session laws of Hawaii 2019, required the Department of Agriculture, in cooperation with the Office of the Governor, to develop a strategic plan to achieve the Governor's goal of doubling food production and increasing food exports by 2030 and submit the plan to the Legislature prior to the convening of the Regular Session of 2020. Your Committee further finds that this deadline did not provide sufficient time to ensure that the strategic plan is both responsible to and reflective of the State's agricultural industry and the public. Therefore, this measure extends the deadline for submission to the Legislature by one year, to no less than twenty days prior to the convening of the Regular Session of 2021.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3041 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Thielen).

SCRep. 2781 Agriculture and Environment on S.B. No. 3042

The purpose and intent of this measure is to appropriate funds to mitigate and control the two-lined spittlebug and to fund outreach, education, surveillance, treatment, and pest management protocols.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Department of Agriculture; Office of the Mayor of the County of Hawai'i; one member of the Hawai'i County Council; Pa'ahana Livestock LLC; Hawaii Meats LLC; Ponoholo Ranch Limited; Ulupalakua Ranch; Land Use Research Foundation of Hawaii; Palani Ranch; Local Food Coalition; Hawai'i Farm Bureau; Ulupono Initiative; Hawaii Cattlemen's Council, Inc; Larry Jelts Farms, LLC; Big Island Invasive Species Committee; Hawaii Aquaculture and Aquaponics Association; and ten individuals.

Your Committee finds that the two-lined spittlebug, *prosapia bicincta*, is an invasive insect that attacks key forage grasses used by the livestock ranching industry. Your Committee further finds that the State's livestock industry has an estimated annual value of more than \$68,000,000, with over one hundred forty-two thousand beef cattle on more than one thousand three hundred ranches. Continued infestations of two-lined spittlebug will reduce the quality of some forage pastures in Hawaii by decreasing their nutritional value,

palatability, and productivity, thereby threatening Hawaii's livestock industry. Thus, your Committee finds that action is necessary to mitigate and control the two-lined spittlebug.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3042 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Thielen).

SCRep. 2782 Agriculture and Environment on S.B. No. 3098

The purpose and intent of this measure is to:

- (1) Require the Department of Agriculture, in consultation with the Department of Health, to develop and implement a restricted use pesticide disposal amnesty program;
- (2) Convene a steering committee to guide and monitor the restricted use pesticide disposal amnesty program; and
- (3) Appropriate funds for the restricted use pesticide disposal amnesty program.

Your Committee received testimony in support of this measure from the Department of Health; Maui County Farm Bureau; Hawai'i SEED; SHAKA: Sustainable Hawaii Action for Keiki and the Aina; Hawaii Crop Improvement Association; Western Plant Health Association; Hawai'i Farm Bureau; Hawai'i Center for Food Safety; Hawai'i Alliance for Progressive Action; Larry Jeffs Farms, LLC; and sixty-eight individuals. Your Committee received testimony in opposition to this measure from Young Progressives Demanding Action. Your Committee received comments on this measure from the Department of Agriculture and four individuals.

Your Committee finds that responsible environmental stewardship requires management and supervision of the safe collection and lawful disposal of banned, outdated, or unwanted pesticides. The existing Hawaii pesticides law prohibits the disposal of agricultural pesticides in sanitary landfills, but there are currently no options for the legal disposal of these substances within the State. Your Committee finds that there is great urgency to establish a pesticide disposal program to enable individuals and entities to legally dispose of banned, outdated, or unwanted pesticides.

Your Committee has amended this measure by:

- (1) Renaming the Restricted Use Pesticide Disposal Amnesty Program as the Pesticide Disposal Collection Program;
- (2) Expanding the program to include non-restricted use pesticides in addition to restricted use pesticides;
- (3) Deleting the set fourteen day duration of the program on each island and specifying that the Department of Agriculture shall set the program's period of duration;
- (4) Adding the Pest Control Board, Hawai'i Farm Bureau, and Hawaii Farmers Union United to the membership of the steering committee;
- (5) Amending section 1 to reflect its amended purpose; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3098, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3098, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Thielen).

SCRep. 2783 Agriculture and Environment on S.B. No. 2282

The purpose and intent of this measure is to require the Board of Agriculture to establish within the Department of Agriculture an agricultural theft enforcement program.

Your Committee received testimony in support of this measure from the Agribusiness Development Corporation; Office of the Mayor of the County of Hawai'i; one member of the Hawai'i County Council; Department of the Prosecuting Attorney of the City and County of Honolulu; Land Use Research Foundation of Hawai'i; Dole Food Co. Hawai'i; Hawai'i Cattlemen's Council, Inc.; Maui County Farm Bureau; Hawai'i Farm Bureau; Ulupono Initiative; Larry Jeffs Farms, LLC; and six individuals. Your Committee received comments on this measure from the Department of Budget and Finance, Department of Agriculture, and one individual.

Your Committee finds that agricultural theft and vandalism are impediments to running a successful and profitable farming operation and are harmful to consumers and residents. Agricultural theft and vandalism are a serious, ongoing problem, with farmers and residents reporting theft of crops, animals, equipment, and tools, and vandalized fences and gates. Your Committee further finds that an agricultural theft enforcement program will lead to greater enforcement and determent of other crimes committed on state agricultural lands, thereby increasing public safety.

Your Committee has amended this measure by:

- (1) Changing the name of the program, officers, and special fund by deleting the term "theft" after the word "agricultural" and before the word "enforcement", throughout the measure where appropriate, given that the program may enforce other matters as determined by the Board of Agriculture; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2282, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2282, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Thielen).

SCRep. 2784 Agriculture and Environment on S.B. No. 3152

The purpose and intent of this measure is to:

- (1) Require cultural assessments to be available for public review and comment in connection with draft environmental assessments;
- (2) Require a cultural impact assessment if an agency determines a proposed action may have a significant effect on the environment; and
- (3) Define the terms “cultural assessment” and “cultural impact assessment” to provide greater clarity for the requirements of environmental impact statements.

Your Committee received testimony in support of this measure from the Society for Hawaiian Archeology and three individuals. Your Committee received comments on this measure from the Office of Planning, Office of Environmental Quality Control, and Environmental Council.

Your Committee finds that Act 50, Session Laws of Hawaii 2000, included cultural practices in the definition of environmental impact statement resulting in environmental assessments and environmental impact statements often including “cultural impact assessments”. Your Committee further finds that these cultural impact assessments have no existing statutory definition or regulatory guidance, which has led to inconsistency and insufficiency in the completion of these studies. This measure seeks to clarify the requirements of environmental impact statements by defining “cultural assessment” and “cultural impact assessment”.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3152, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3152, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Thielen).

SCRep. 2785 Agriculture and Environment on S.B. No. 2326

The purpose and intent of this measure is to phase in a prohibition on the manufacture and sale in Hawaii of certain personal care products and non-prescription drugs that contain synthetic plastic microbeads.

Your Committee received testimony in support of this measure from the Conservation Council for Hawaii, WAI: Wastewater Alternatives and Innovations, and four individuals. Your Committee received testimony in opposition to this measure from the Personal Care Products Council and Beach Environmental Awareness Campaign Hawai‘i. Your Committee received comments from the Department of Health.

Your Committee finds that synthetic plastic microbeads pose a serious threat to the natural environment. Synthetic plastic microbeads are an ingredient in many personal care products and are used for exfoliating dead skin cells. Sewage waste treatment facilities are unable to filter synthetic plastic microbeads out of wastewater because of their small size, and as a result, synthetic plastic microbeads are often discharged into the ocean along with the treated wastewater. Marine life can easily swallow the synthetic plastic microbeads, potentially causing injury and even death. Your Committee finds that the State has an interest in protecting its natural environment and decreasing the amount of plastic waste flowing into its waters. This measure protects Hawaii’s ocean environment by phasing out the manufacturing and sale of certain personal products that contain synthetic plastic microbeads in the State.

Your Committee has amended this measure by:

- (1) Deleting language that would have provided civil penalties for violations;
- (2) Deleting the definition of “non-prescription drug”, given that it is defined elsewhere in chapter 328, Hawaii Revised Statutes; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2326, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2326, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Thielen).

SCRep. 2786 Agriculture and Environment on S.B. No. 2707

The purpose and intent of this measure is to appropriate funding for the second year of the agricultural theft and vandalism pilot project in the Counties of Maui and Hawaii.

Your Committee received testimony in support of this measure from the Department of Agriculture; Office of the Mayor of the County of Hawai'i; two members of the Hawai'i County Council; Hawaii Tropical Fruit Growers; LavaRock Farm; Hawaii Cattlemen's Council, Inc.; Maui County Farm Bureau; Hawaiian Reforestation Program; Hawai'i Farm Bureau; Kaye Family Farms; and six individuals.

Your Committee finds that agricultural theft and vandalism are impediments to running a successful and profitable farming operation and are harmful to consumers. Agricultural theft and vandalism are a serious, ongoing problem, with farmers reporting theft of crops, animals, equipment, and tools, and vandalized fences and gates. Since many incidents of agricultural theft and vandalism are not reported, the annual monetary losses can only be estimated in the millions of dollars.

Your Committee further finds that Act 217, Session Laws of Hawaii 2019, established a two-year agricultural theft and vandalism pilot project for the Counties of Hawaii and Maui, but only provided funding for the first year. This measure provides additional funding for the second year of the pilot project.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2707 and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Thielen).

SCRep. 2787 Agriculture and Environment on S.B. No. 2975

The purpose and intent of this measure is to exempt applications for a class 1 liquor license on land designated as agricultural by state or county zoning laws and for which the majority of the agricultural products used in the manufacturing of the liquor are grown and produced in the State by the license holder, from the automatic refusal provision that may be invoked by a majority of nearby voters or real estate owners.

Your Committee received testimony in support of this measure from LBD Coffee, LLC and one individual. Your Committee received comments on this measure from the Liquor Commission of the City and County of Honolulu.

Your Committee finds that under existing law, when a person applies for a class 1 liquor license, a majority of neighbors may protest, thus resulting in disqualification of the application. This measure seeks to exempt agricultural producers who wish to use their own agricultural products to produce liquor from being disqualified by a majority protest of their neighbors.

Your Committee has amended this measure by:

- (1) Replacing the term "agricultural product" with the term "agricultural commodity";
- (2) Defining "agricultural commodity" as any fruit, nut, or vegetable that is the food product of any tree, vine, or plant, or any aquacultural, horticultural, silvicultural, or floricultural product; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2975, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2975, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Thielen).

SCRep. 2788 Agriculture and Environment on S.B. No. 3153

The purpose and intent of this measure is to, beginning January 1, 2021, prohibit the confinement of specified farm animals in a cruel manner and prohibit business owners and operators from selling certain products made from animals confined in a cruel manner.

Your Committee received testimony in support of this measure from Animal Rights Hawai'i; Friends of the Earth; Center for Biological Diversity; Natural Resources Defense Council; Animal Equality; Animal Outlook; Counter Culture Organic Farm; Women, Food and Agriculture Network; Compassion in World Farming USA; Ekahi Health; Moonstruck Farm; Hawaiian Acres Community Association; Hawaiian Egg Company dba Mikilua Poultry Farm; Farm Sanctuary; Animal Legal Defense Fund; American Society for the Prevention of Cruelty to Animals; Mercy for Animals; Love of Life Farm; Hawaii Tropical Fruit Growers; Humane Society International; The Humane Society of the United States; Hawai'i Center for Food Safety; Hawaii Farmers Union United; Maui Tea Farm; Hawaii Farmers Union United – Haleakala Chapter; Honaunau Farm; Stop Hawaii Dog Abuse; Petersons' Upland Farm; and fifty-two individuals. Your Committee received testimony in opposition to this measure from the Department of Agriculture; University of Hawaii System; and SK Natural Farms, LLC.

Your Committee finds that that certain methods of farm animal containment are cruel to animals and threaten human health and safety by increasing the risk of foodborne illness. This measure prevents cruelty to farm animals by phasing out extreme methods of farm animal confinement and the sale of products produced through extreme confinement.

Your Committee understands that interested stakeholders have had an opportunity to discuss potential amendments to this measure to bring about consensus of the participating parties. Amendments to this measure are therefore necessary to incorporate the compromise language.

Your Committee has amended this measure by:

- (1) Making the provisions effective beginning January 1, 2025, rather than beginning January 1, 2021;
- (2) Inserting language to exempt a farm owner or operator who maintains a flock of ten thousand or fewer caged egg-laying hens or sells shell eggs or egg products from such a flock; provided that the farm owner or operator does not knowingly cause any egg-laying hen to be confined with less than one square foot of usable floor space per hen, unless such confinement falls under another exemption;
- (3) Inserting language to require that any egg-laying hen added to a flock of ten thousand or fewer caged egg-laying hens after December 31, 2025 not be confined in a cruel manner;
- (4) Amending penalties to be not less than \$500 or more than \$1,000 per violation, instead of a maximum of \$5,000; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3153, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3153, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Thielen).

SCRep. 2789 Commerce, Consumer Protection, and Health on S.B. No. 2871

The purpose and intent of this measure is to allow the Contractor License Board and the Real Estate Commission to adjust, reduce, suspend, or cease collection of recovery fund and education fund fees when fund levels are adequate to carry out the statutory mandates for which the funds were created.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Contractors License Board, Real Estate Commission, and the Community Associations Institute.

Your Committee finds that Act 29, Session Laws of Hawaii, 2019 (Act 29), established or amended certain special fund ceilings and provided for the suspension or refund of fees if the ceiling was exceeded. Act 29 had a partial delayed implementation date, which provided the Department of Commerce and Consumer Affairs time to confer with the Contractors License Board and Real Estate Commission. Your Committee notes the importance of maintaining reasonable and appropriate recovery and education trust fund balances; however, your Committee finds that it is inappropriate to authorize the Contractors License Board (Board) or the Real Estate Commission (Commission) to develop policies to refund public monies in excess of the ceilings established by law and to refund such monies to licensees that paid into the fund. In place of fund ceilings and developing policies to refund public monies, this measure grants the Board and the Commission the authority to make findings that a fee adjustment is appropriate and to make adjustments to maintain adequate balances in the fund. The measure provides the necessary flexibility to timely regulate the respective funds to ensure that consumers are not being required to overpay for the services of the Board and Commission in regulating the construction and real estate industries.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2871, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2871, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2790 Commerce, Consumer Protection, and Health on S.B. No. 31

The purpose and intent of this measure is to:

- (1) Revise the definition of “primary care providers” and “volunteer based supervised clinical training rotation” to improve accessibility for providers to receive income tax credits for acting as preceptors; and
- (2) Add the Director of Health and Director of Taxation to the preceptor credit assurance committee.

Your Committee received testimony in support of this measure from the Department of Health; Department of Taxation; University of Hawai‘i System; Hawaii State Rural Health Association; Hawai‘i State Center for Nursing; Hawaii – American Nurses Association; Hawai‘i Primary Care Association; The Queen’s Health Systems; National Association of Social Workers, Hawai‘i Chapter; and eleven individuals. Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that there is a shortage of primary care providers in the State, which will be exacerbated by the projected retirements of current physicians, advanced practice registered nurses, and pharmacists. Although students are interested in pursuing careers in the health care service industry in Hawaii, in-state educational institutions are constrained by the lack of clinical education sites in Hawaii and the limited supply of qualified primary care preceptors. This measure encourages participation of preceptors by offering a tax credit for professionals who serve as preceptors.

Your Committee has amended this measure by:

- (1) Clarifying the qualifications of a preceptor under the definition of “volunteer-based supervised clinical training rotation” to include being uncompensated for providing clinical training above or beyond clinical salary or reimbursements or from state general funds or tuition funds;
- (2) Removing the Director of Taxation, or the Director’s designee, from the Preceptor Credit Assurance Committee; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 31, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 31, S.D. 2, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2791 Commerce, Consumer Protection, and Health on S.B. No. 2631

The purpose and intent of this measure is to permit judicial discretion for suspension of criminal proceedings for assessment and treatment should the defendant have serious and persistent mental health illness.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii Substance Abuse Coalition, Island Integrated Health, and three individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Judiciary and Hawaii Disability Rights Center.

Your Committee finds that mental illness is a largely untreated or under-treated concern with criminality because the prevalence of serious mental illness among people entering jails is estimated to be about seventeen percent. Allowing courts to help people with mental illness by assessing their mental health will have a better outcome for society than simply incarcerating an individual.

Your Committee further finds that there are programs already in place to help those suffering from a mental illness while legally fit to proceed, such as the Jail Diversion Program and Mental Health Court Program. Expanding these diversion programs may provide a better alternative to helping defendants receive the necessary help and treatment.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have permitted judicial discretion for suspension of criminal proceedings for assessment and treatment should the defendant have serious and persistent mental health illness; and
- (2) Inserting language that permits judicial discretion for a referral to a diversion program or treatment court should the defendant have serious and persistent mental health illness.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2631, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2631, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 7; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 2792 Commerce, Consumer Protection, and Health on S.B. No. 2542

The purpose and intent of this measure is to, beginning July 1, 2020, provide a general excise tax exemption for medical services by physicians and advanced practice registered nurses acting in the capacity as a primary care provider.

Your Committee received testimony in support of this measure from the Office of the Mayor of the County of Hawai‘i; Hawaii Medical Association; Hawaii – American Nurses Association; Hawaii Radiological Society; Hawaii Physician Shortage Crisis Task Force; Hawai‘i Association of Professional Nurses; United Public Workers, AFSCME, Local 646, AFL-CIO; East Hawaii IPA; Hawaii Society of Clinical Oncology; Hawai‘i Academy of Family Physicians; and fifteen individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Taxation, Tax Foundation of Hawaii, Grassroot Institute of Hawaii, and Hawai‘i State Center for Nursing.

Your Committee finds that the general excise tax and related county surcharges are levied on Hawaii businesses on the sale of goods and services, including medical services provided by group and private practice physicians, making Hawaii the only state taxing medical services in this way.

Your Committee further finds that community physicians are often operating small businesses with narrow profit margins, and Medicare, Medicaid, and private insurer payments for medical services are well below national levels. The general excise tax and related county surcharges make medical practices unviable, resulting in practice closures and challenges in recruiting and retaining new or younger physicians. Therefore, in order to safeguard patient access to care and reduce the impact of the general excise tax on the shortage of physicians and advanced practice registered nurses, medical services performed within group and private practice should be exempt from the general excise tax and related county surcharges.

Your Committee has amended this measure by:

- (1) Specifying that the exemption for medical services from the general excise tax shall be made effective for gross receipts received on or after January 1, 2021;
- (2) Clarifying the definition of “medical services” by referencing chapter 457, Hawaii Revised Statutes, as it relates to advanced practice registered nurses; and

- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2542, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2542, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2793 Commerce, Consumer Protection, and Health on S.B. No. 2814

The purpose and intent of this measure is to make an appropriation for the equipment and construction of a second full-time catheterization laboratory at the Hilo Medical Center in the Hawaii Health Systems Corporation East Hawaii Region.

Your Committee received testimony in support of this measure from the University of Hawai'i System; Office of the Mayor of the County of Hawai'i; United Public Workers, AFSCME, Local 646, AFL-CIO; Hawaii Health Systems Corporation; Hilo Medical Center Foundation; and twenty-six individuals.

Your Committee finds that the Hilo Medical Center Interventional Cardiac Program began service on January 1, 2019. Since July 1, 2019, interventional cardiac catheterization for the treatment of heart attacks has been available twenty-four hours a day, seven days a week for the residents of east Hawaii. In the last year, over forty heart attacks have been treated in the catheterization lab. An additional one hundred eighty-one patients were electively treated with stents for artery blockages, preventing future heart attacks.

Your Committee further finds that the cardiac lab is now at full capacity and a second lab is needed to meet the demand for cardiac services in east Hawaii. An additional lab will also ensure the availability of critical lifesaving equipment.

Your Committee notes that the request for the equipment and construction of a second full-time catheterization laboratory at the Hilo Medical Center is \$3,500,000 and that this request is a high priority for health care providers on the island of Hawaii.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2814, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2814, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2794 (Joint) Higher Education and Agriculture and Environment on S.B. No. 2729

The purpose and intent of this measure is to appropriate funds for the University of Hawaii College of Tropical Agriculture and Human Resources and the Sea Grant College Program to support the sustainable growth of the local aquaculture industry by establishing two permanent aquaculture extension agent positions and one permanent aquaculture research position.

Your Committees received testimony in support of this measure from the University of Hawai'i System, Hawaii Aquaculture & Aquaponics Association, Ulupono Initiative, and three individuals.

Your Committees find that Hawaii's aquaculture production generates over \$75 million in revenues per year, making it one of the largest sectors of Hawaii's diversified agriculture with great potential for further expansion. Your Committees further find that the appropriation and creation for these specific positions will expand the Hawaii aquaculture industry, thereby increasing local food production and security and providing additional economic development opportunities for rural communities statewide.

Accordingly, your Committees note that the new positions established by this measure should be designated and considered only for the purposes indicated therein. Your Committees further note that the suggested appropriation for the positions created by this measure are as follows:

- (1) \$160,000 for two full-time equivalent (2.0 FTE) aquaculture extension agents; and
- (2) \$84,000 for one full-time equivalent (1.0 FTE) aquaculture researcher.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Higher Education and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2729, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2729, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Keith-Agaran).
Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

SCRep. 2795 (Joint) Energy, Economic Development, and Tourism and Commerce, Consumer Protection, and Health on S.B. No. 3036

The purpose and intent of this measure is to clarify that regardless of any amendments made to the renewable energy technologies tax credit, a power purchase agreement that was approved by the Public Utilities Commission prior to December 31, 2019, shall receive a credit of thirty-five percent of the actual cost or up to \$500,000 per solar energy system.

Your Committees received testimony in support of this measure from the Hawaii State Energy Office; Ho'ohana Solar 1, LLC; Hawaii Clean Power Alliance; AES Distributed Energy, SanHi Government Strategies, and Clearway Energy Group. Your Committees received comments on this measure from the Department of Taxation; Tax Foundation of Hawaii; and Hawaiian Electric Company, Inc.

Your Committees find that utility-scale renewable energy is critical to meeting the State's clean energy goals because it provides long-term stable costs for drawing electricity from the grid. To drive down costs that are passed on to the ratepayer, developers must assume the risks that are a part of the permitting, entitlements, and financing for these projects. Your Committees further find that the risks involve the lengthy process of waiting for approval by the Public Utilities Commission, and by the time the Commission approves a project, the project is in jeopardy of losing any financial benefits from tax credits. Your Committees note that these tax credits are applied to the rates that are contracted with the electric utilities and ultimately are reflected in the rates benefiting ratepayers.

Your Committees believe that any changes to the renewable energy technologies tax credit prior to the completion of necessary utility-scale projects could financially harm the developer's ability to deliver any proposed projects, which would ultimately harm the ratepayers and the State's energy policies. This measure will provide certain developers of utility-scale renewable energy projects assurance that the currently available tax credit will still apply to certain projects to encourage the completion of all utility-scale energy projects.

Your Committees have amended this measure by:

- (1) Clarifying that, regardless of any changes to any applicable law, a solar energy system with a power purchase agreement approved by the Public Utilities Commission prior to December 31, 2019, shall receive thirty-five percent of the actual cost of the system or \$500,000 per system that has a total output capacity of at least one thousand kilowatts per system of direct current for commercial properties;
- (2) Specifying that a project is eligible to receive the tax credit only if a project has a power purchase agreement that is either approved by a decision or order by the Public Utilities Commission or has filed with, or is pending approval from, the Commission prior to December 31, 2019; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3036, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3036, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4; Ayes with Reservations (Inouye). Noes, none. Excused, 1 (Fevella).
Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 2796 (Joint) Commerce, Consumer Protection, and Health and Human Services on S.B. No. 2429

The purpose and intent of this measure is to provide medical assistance for a pregnant woman who is ineligible for medical insurance coverage through her employer or Medicaid for a period ending twelve months after childbirth.

Your Committees received testimony in support of this measure from the Hawai'i State Commission on the Status of Women; Breastfeeding Hawaii; Hawaii Women's Coalition; American Academy of Pediatrics, Hawaii Chapter; American Association of University Women of Hawaii; Hawaii Children's Action Network; Midwives Alliance of Hawaii; Planned Parenthood Votes Northwest and Hawaii; The American College of Obstetricians and Gynecologists; Hawaii Appleseed Center for Law & Economic Justice; March of Dimes; Hawaii Maternal and Infant Health Collaborative; and fifteen individuals. Your Committees received comments on this measure from the Department of Human Services.

Your Committees find that women who are ineligible for post-partum health coverage struggle to get necessary care during the twelve weeks following childbirth, which is a critical time because women are more likely to die of pregnancy-related conditions during this time than during pregnancy or childbirth. Because Medicaid pregnancy coverage, which pays for nearly half of all births in the United States, expires sixty days after childbirth, many women are left without health insurance during this vulnerable time. This measure ensures that women have access to care after birth and improves maternal health in the State.

Your Committees have amended this measure by:

- (1) Clarifying that any woman who is enrolled in Medicaid insurance coverage during her pregnancy shall be eligible for medical assistance for a period of twelve months following the pregnancy, using the same eligibility criteria that qualified her for pregnancy coverage; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2429, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2429, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Thielen, Wakai, Fevella).
Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

SCRep. 2797 (Joint) Government Operations and Labor, Culture and the Arts and Human Services on S.B. No. 2468

The purpose and intent of this measure is to amend the definition of “qualified community rehabilitation programs” to allow community rehabilitation programs employing persons with disabilities to qualify under the State’s procurement code without requiring federal and state certifications that authorize the payment of subminimum wage to workers in their program.

Your Committees received testimony in support of this measure from State Council on Developmental Disabilities; Hawaii Appleseed Center for Law & Economic Justice; National Federation of the Blind of Hawaii; State Rehabilitation Council; SourceAmerica; 501c3 Partners; Labor Caucus, Democratic Party of Hawaii; and seven individuals. Your Committees received comments on this measure from the Department of Labor and Industrial Relations and Hawaii Disability Rights Center.

Your Committees find that community rehabilitation programs employing persons with disabilities in our State do not pay subminimum wages to its workers. However, these programs are required to hold the federal 14-C and state subminimum wage certificates to qualify for government contracts. According to testimony received by your Committees, federal 14-C certificates are revoked when subminimum wages are not paid; which reduces disability employment. Accordingly, your Committees recognize that new language should be adopted in the state procurement code to ensure that the preferences of the code are properly limited to employers of persons with disabilities.

Your Committees have amended this measure by:

- (1) Inserting new language from section 103D-1010, Hawaii Revised Statutes, which would require a qualified community rehabilitation program to maintain a disabled to non-disabled employee ratio of at least three-to-one for work hours of direct labor on the work contracted; and
- (2) Making it effective upon January 1, 2050, to promote further discussion.

Your Committees note the desires of the testifiers to conform Hawaii’s wage and hours law to these amendments. The bulk of the testimony submitted requested that your Committees repeal section 387-9, Hawaii Revised Statutes, which permits the payment of subminimum wages to certain persons with disabilities. However, the title of this measure is limited to the qualification of community rehabilitation programs, which is too narrow to address the laws that allow these programs to pay subminimum wages. Your Committees further note that they are open to discussing whether the qualification of community rehabilitation programs should be limited to employers of a minimum number or a proportion of persons with disabilities.

As affirmed by the records of votes of the members of your Committees on Government Operations, Labor, Culture and the Arts, and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2468, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2468, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker).

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

SCRep. 2798 (Joint) Government Operations and Labor, Culture and the Arts on S.B. No. 2959

The purpose and intent of this measure is to appropriate \$500,000 to develop a State archives master plan to include the expansion and creation of new collections processing and storage, administrative, public research, exhibition, and community engagement spaces.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services, Hawaii State Public Library System, The Queen’s Health Systems, Council for Native Hawaiian Advancement, Native Hawaiian Chamber of Commerce, Kamehameha Schools, Bishop Museum, ‘Aha Pūnana Leo, Papa Ola Lōkahi, Mālama ‘Āina Foundation, Partners in Development Foundation, Awaiaulu Inc., Filmworks Pacific, The Pacific Arts Foundation, Nā Hawai‘i ‘Imi Loa, Historic Hawaii Foundation, and seven individuals. Your Committees received comments on this measure from The Friends of Iolani Palace.

Your Committees find that it is the intent of this measure for the State archives to include fellow operators of historic sites within the Capitol Historic District in the development of the State archives master plan because of their shared interests in preserving historical records and artifacts and to ensure that any exterior changes to buildings are compatible with the surrounding operations and character of this historic area.

Your Committees have amended this measure by:

- (1) Inserting a blank appropriation amount; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Labor, Culture and the Arts that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2959, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2959, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker).

Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 2799 (Joint) Higher Education and Human Services on S.B. No. 2574

The purpose and intent of this measure is to appropriate funding to:

- (1) Develop the Charles Atherton House and property into a University of Hawaii kupuna center; and
- (2) Support the activities of the University of Hawaii UHealthy Hawaii initiative.

Your Committees received testimony in opposition to this measure from a private individual. Your Committees received comments on this measure from the University of Hawai'i System and University of Hawai'i Foundation.

Your Committees find that the Charles Atherton House and property is in very close proximity to the University of Hawaii at Manoa campus. The development of the Charles Atherton House into an intergenerational lifelong learning, retirement, and assisted living community would be an excellent means of capitalizing on the unique opportunities created by this proximity. Such development and usage of the Charles Atherton House would provide opportunities for senior learning as well as mentorship of university students. Excellent models for this type of arrangement exist across the nation. The development would also align with the University of Hawaii's UHealthy Hawaii initiative, that has been identified as a priority of the university president. Furthermore, such a development is also an innovative means of addressing the social challenge posed by our limited stock of senior housing. In addition, the development has the potential to create revenue for the University of Hawaii System.

Your Committees further find that the University of Hawaii Foundation, as the property owner, and University of Hawaii System, as the lessee, are in the process of implementing a public-private partnership with Hunt Development Group as the private partner to develop the property as student housing with an entrepreneurship innovation center. If student housing is to be the primary function of the redeveloped Atherton House, as currently conceptualized, a kupuna center with living quarters is not that different a function.

Your Committees have amended this measure by amending the effective date to July 1, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Higher Education and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2574, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2574, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Higher Education: Ayes, 5; Ayes with Reservations (Keith-Agaran, Kidani). Noes, none. Excused, none.

Human Services: Ayes, 4. Noes, none. Excused, 1 (Riviere).

SCRep. 2800 Agriculture and Environment on S.B. No. 2955

The purpose and intent of this measure is to extend coffee labeling and advertising requirements to include ready-to-drink coffee beverages and their inner wrapping or packaging labels.

Your Committee received testimony in support of this measure from one member of the Hawai'i County Council, Lions Gate Farms, LavaRock Farm, Athena of Hawaii LLC, Cassandra Farms, Kona Coffee Farmers Association, Kau Coffee Farmers, Kokoleka Lani Farms, Pono Hawai'i Initiative, Absolutely Kona, and seventeen individuals. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that existing statutory requirements for fair trade coffee labeling and advertising apply to roasted and instant coffee, but do not apply to ready-to-drink coffee beverages and inner wrapping labels. Without adequate labeling, consumers may be confused as to whether the coffee being served is Hawaii-grown or not. This measure expands the coffee labeling and advertising requirements to include ready-to-drink coffee beverages and inner wrapping labels given to customers to allow consumers to make an enlightened choice as to their coffee preferences.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2955 and recommends that it pass Second Reading and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Thielen).

SCRep. 2801 Agriculture and Environment on S.B. No. 3040

The purpose and intent of this measure is to:

- (1) Require the Department of Agriculture to provide annual reporting on pesticide inspection and compliance investigations; and
- (2) Increase monetary fines for pesticide violations.

Your Committee received testimony in support of this measure from one member of the Hawai'i County Council; Americans for Democratic Action; SHAKA: Sustainable Hawaii Action for Keiki and the Aina; Young Progressives Demanding Acton; Hawai'i SEED; Kihei Community Association; Hawaii Forest Stewards; UpCountry Doctor; IMUAlliance; Hawai'i Center for Food Safety; Hawai'i Alliance for Progressive Action; Hawai'i Farm Bureau; Environmental Caucus of the Democratic Party of Hawai'i; We Are One, Inc.; and one hundred forty-two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Pest Control Association, Hawaii Farm Bureau, and Western Plant Health Association. Your Committee received comments on this measure from the Department of Agriculture and one individual.

Your Committee finds that the impacts of pesticide use on Hawaii's environment and people continues to be a matter of public concern. Your Committee further finds that the 2016 report titled, Pesticide Use by Large Agribusinesses on Kaua'i, concluded that more timely and better reported pesticide inspections and compliance investigations are needed, and that the use of drift-prone

pesticides should be more strictly monitored and proven violators should be fined. This measure aims to protect the State's residents and environment by ensuring more stringent enforcement of the Hawaii pesticides law.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3040 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Thielen).

SCRep. 2802 (Joint) Energy, Economic Development, and Tourism and Water and Land on S.B. No. 2940

The purpose and intent of this measure is to:

- (1) Authorize the Stadium Authority to acquire and hold title to real property;
- (2) Transfer authority to issue leases of the lands within the Stadium Development District from the Hawaii Community Development District to the Stadium Authority;
- (3) Exempt the development of the Stadium Development District from certain community development plan requirements; and
- (4) Exempt lands to which the Stadium Authority holds title to from the definition of public lands.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services, Stadium Authority, and Faith Action for Community Equity. Your Committees received comments on this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, and Hawaii Community Development Authority.

Your Committees find that Act 268, Session Laws of Hawaii 2019 (Act 268), established the Stadium Development District comprising all state land that was under the jurisdiction under the Stadium Authority. Act 268 transferred the duties and powers of the Stadium Authority regarding the development of state property located within the newly established Stadium Development District to the Hawaii Community Development Authority. Your Committees further find that there are certain responsibilities and duties that should be under the jurisdiction of the Stadium Authority regarding the Stadium Development District. Your Committees also find that with the Stadium Authority's extensive experience and knowledge of the Stadium Development District, the Stadium Authority is better equipped to handle the development and redevelopment of parcels within the Stadium Development District. This measure will establish certain authority in the Stadium Authority to streamline and improve the operation and maintenance of the Stadium Development District.

Your Committees have amended this measure by:

- (1) Establishing the stadium development special fund;
- (2) Expanding the powers and duties of the Stadium Authority by providing the Stadium Authority the power to develop, in addition to maintaining, operating, and managing, the stadium facilities related to the stadium and real property held by the Stadium Authority;
- (3) Deleting language that would have provided that the terms of any lease shall not conflict with the requirements of the sale or lease of redevelopment projects, and instead providing that a lease shall not exceed a term of ninety-nine years;
- (4) Clarifying that the Stadium Authority may appoint more than one Deputy Manager;
- (5) Subjecting lands to which the Stadium Authority holds title to legislative approval prior to any sale or gift of state lands;
- (6) Repealing part IX of chapter 206E, Hawaii Revised Statutes, relating to the Stadium Development District, and making conforming amendments throughout the Hawaii Revised Statutes;
- (7) Amending Act 268, Session Laws of Hawaii 2019, to:
 - (A) Authorize the Stadium Authority, with the approval of the Governor, to delegate to other state agencies the implementation of capital improvement projects under certain conditions and changing the expending agency for the sums appropriated from the Hawaii Community Development Authority to the Stadium Authority;
 - (B) Clarify that sums appropriated shall be used for the development, rather than the establishment and development, of Stadium Authority property, instead of the Stadium Development District; and
 - (C) Clarify that the Stadium Authority, instead of the Hawaii Community Development Authority, may issue revenue bonds to implement the development of Stadium Authority property for public use, rather than implementing the Stadium Development District and change where the proceeds of the revenue bonds are deposited into from the Hawaii community development revolving fund to the stadium development special fund;
- (8) Inserting an appropriation of \$1,000,000 to carry out the purposes of this measure;
- (9) Changing the effective date to July 1, 2020; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2940, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2940, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair and President on behalf of the Committees.
 Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Fevella).
 Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

SCRep. 2803 Education on S.B. No. 3086

The purpose and intent of this measure is to ensure the continued operation of the interscholastic athletic associations of each county in the State by:

- (1) Designating interscholastic athletic associations for each county; and
- (2) Appropriating funds to the Department of Education for fiscal year 2020-2021 to support the interscholastic athletic association for each county.

Your Committee received testimony in support of this measure from the Department of Education.

Your Committee finds that interscholastic athletic associations play a critical role in providing competitive athletics for Hawaii's students. Maintaining the independence of the associations in each county is essential to ensuring the associations can engage in fundraising and other activities to support competitive athletics. According to testimony received by your Committee, despite fundraising efforts, these associations need financial support to continue operating.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3086, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3086, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
 Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2804 (Joint) Labor, Culture and the Arts and Water and Land on S.B. No. 2031

The purpose and intent of this measure is to appropriate funds to and require the Department of Land and Natural Resources to place markers in the State to indicate significant sites in the life of President Barack Obama.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committees find that President Barack Obama, the forty-fourth President of the United States of America, was born in the State of Hawaii and spent a significant amount of his life in the State. Your Committees further find that placing markers at sites significant to President Barack Obama's life would be a point of pride for the State and would pay tribute to President Barack Obama's leadership.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2031 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair and President on behalf of the Committees.
 Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).
 Water and Land: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

SCRep. 2805 Labor, Culture and the Arts on S.B. No. 2491

The purpose and intent of this measure is to provide family leave insurance benefits and extend the period of family leave to sixteen weeks for businesses that employ one or more employees who meet the hourly qualifications.

Your Committee received testimony in support of this measure from the Department of Human Services; Hawaii's State Commission on the Status of Women; Hawaii State Coalition Against Domestic Violence; Early Childhood Action Strategy; Pono Hawaii Initiative; American Association of University Women of Hawaii; Americans for Democratic Action; Community Alliance on Prisons; Democratic Party of Hawaii Education Caucus; IMU Alliance; Hawaii Appleseed Center for Law and Economic Justice; Hawaii Public Health Institute; Hawaii Children's Action Network; Midwives Alliance of Hawaii; American College of Obstetricians and Gynecologists; Democratic Party of Hawaii; International Longshore and Warehouse Union Local 142; Hawaii Children's Action Network; Hawaii Women's Coalition; American Civil Liberties of Hawaii; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Hawaii State Teachers Association; Planned Parenthood Votes Northwest and Hawaii; LGBT Caucus of the Democratic Party of Hawaii; March of Dimes; Healthy Mothers Healthy Babies Coalition of Hawaii; and seven individuals. Your Committee received testimony in opposition to this measure from Meadow Gold Dairies, Maui Chamber of Commerce, Hawaii Restaurant Association, Hawaii Food Industry Association, Chamber of Commerce Hawaii, National Federation of Independent Business, Retail Merchants of Hawaii, Hawaii Credit Union League, and six individuals. Your Committee received comments on this measure from Hawaii Pacific Health, the Queen's Health Systems, Common Cause Hawaii, and one individual.

Your Committee finds that Hawaii's working families are not adequately supported during times of caregiving and illness. The majority of Hawaii's workforce cannot afford to take unpaid leave to care for a new child or attend to the needs of a family member with a serious health condition. Hawaii law, which offers a modest four-week extension of unpaid leave, is available only to employees of large employers having more than one hundred employees.

Your Committee further finds that most workers will need family leave at some point to care for family members, but very few can afford it.

Your Committee advises that it is expecting to receive a draft resolution from the Department of Labor and Industrial Relations to propose the establishment of a paid family leave pilot program to initially assist state employees, and to evaluate the implementation needs if a paid family leave policy is applied by law to a broader group of employees.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2491, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2491, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2806 Human Services on S.B. No. 2344

The purpose and intent of this measure is to expand conditions for a minor to consent to no-cost emergency shelter and related services to include a minimum age of sixteen years and certain requirements by a shelter.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women; LGBT Caucus of the Democratic Party of Hawai'i; Pride At Work - Hawai'i; Partners in Care; Hawaii Youth Services Network; Residential Youth Services and Empowerment Hawaii; Hawaii Helping Our People Envision Success, Maui; Rainbow Family 808; and ten individuals. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that addressing the needs and concerns of unaccompanied homeless youth is a statewide challenge. Your Committees further find that addressing youth homelessness requires a multi-faceted approach, and outreach and shelter are critical components to assisting this underserved population.

Your Committee finds there is only one full service shelter in the State for homeless unaccompanied minors. Residential Youth Services and Empowerment provides shelter for disenfranchised youth aged eighteen to twenty-four. There is no facility designated to serve the needs of unaccompanied homeless minors.

However, your Committee has heard the concerns of the Department of Human Services that this measure as drafted would not accomplish the goal of providing shelter and housing options to minors under eighteen years of age, would exclude organizations that are not tax exempt, and the proposed language: "Shall contact child welfare services within three days of housing the minor" may have the unintended effect of inhibiting at-risk-youth from seeking services.

Accordingly, your Committee has amended this measure by:

- (1) Removing language as suggested by the Department of Human Resources; and
- (2) Adding proposed language suggested by the LGBT Caucus to require a full service shelter on all islands.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2344, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2344, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

SCRep. 2807 Human Services on S.B. No. 2741

The purpose and intent of this measure is to:

- (1) Authorize the Department of Human Services to establish, or contract with a victim service provider to operate or manage an emergency shelter for victims of sex trafficking, subject to available funding; and
- (2) Exempt compensation received by a victim service provider for operating a sex trafficking emergency shelter from the general excise tax.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women and IMUAlliance. Your Committee received testimony in opposition to this measure from the Hale Kipa, Inc. Your Committee received comments on this measure from the Department of Human Services and Hawaii Youth Services Network.

Your Committee finds that Hawaii does not have a dedicated shelter for victims of sex trafficking. This lack of an emergency shelter impedes the State's effectiveness in responding to sexual exploitation by preventing government agencies and victim service providers from establishing a coordinated continuum of care and protection for victims in a centralized location.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2741, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2741, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Rhoads, Fevella).

SCRep. 2808 Human Services on S.B. No. 3014

The purpose and intent of this measure to expand child care options for parents and increase the number of high-quality early childhood programs by establishing an income tax credit for employers who create on-site early childhood facilities.

Your Committee received testimony in support of this measure from the Hawaiian Electric Company, Inc.; Hawaii Institute of Public Affairs; Hawaii Community Foundation; and one individual. Your Committee received comments on this measure from the Department of Human Services, Department of Taxation, and the Executive Office on Early Learning.

Your Committee finds that an estimated fifty-four percent of three- and four-year olds in Hawaii are not enrolled in nursery school, preschool, or kindergarten. Your Committee also finds that there is a significant shortfall in the number of classrooms available for early education activities.

Your Committee notes, to meet the demand for space, in addition to new construction of classrooms, it is important to identify a variety of existing facilities which can accommodate pre-kindergarten learning, including state and county facilities, nonprofit agencies, and workplaces of private employers.

Finally, your Committee finds that certification for tax credit of the facilities should not be the responsibility of the Department of Human Services.

Therefore, your Committee has amended this measure by:

- (1) Removing the implementation of certification of tax credit of early child care facilities;
- (2) Eliminating appropriations for fiscal year 2021-2022; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3014, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3014, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

SCRep. 2809 (Joint) Hawaiian Affairs and Government Operations on S.B. No. 2368

The purpose and intent of this measure is to:

- (1) Designate the month of February as "Olelo Hawai'i Month" to celebrate and encourage the use of Hawaiian language;
- (2) Require all letterheads, documents, symbols, and emblems of the State and other political subdivisions that include Hawaiian words or names to include accurate and appropriate Hawaiian names, spelling, and punctuation;
- (3) Establish references for accurate, appropriate, and authentic Hawaiian names and words, including proper Hawaiian spelling and punctuation; and
- (4) Clarify that the full text of bills and other official documents are not required to be written in Hawaiian and that misspelled or incorrectly punctuated Hawaiian words and names shall not invalidate the documents or render them unenforceable and no cause of action shall arise accordingly.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, Hawai'i Civil Rights Commission, and two individuals. Your Committees received testimony in opposition to this measure from two individuals. Your Committees received comments on this measure from the Center for Hawaiian Sovereignty Studies and two individuals.

Your Committees find that the State has reaffirmed Hawaiian as one of its official languages since 1978, and the Legislature has supported efforts to incorporate the Hawaiian language into official state writings, emblems, and signs. This measure will enhance the use of the Hawaiian language in official state documents while ensuring that Hawaiian words and names are as accurate, appropriate, and authentic as possible.

Your Committees have amended this measure by:

- (1) Replacing the sections of the measure which lacked comprehensive support with alternative language proposed by the drafter of S.B. No. 2368, amending section 1-13.5, Hawaii Revised Statutes, to state as subsection (a) that the United Nations Declaration on the Rights of Indigenous Peoples provides, and the legislature affirms, that native Hawaiians, as the indigenous people of Hawaii, have the right to revitalize, use, develop, and transmit to future generations their histories, language, oral traditions, philosophies, writing systems, and literatures, and to designate and retain their own names for communities, places, and persons; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2368, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2368, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Hawaiian Affairs: Ayes, 4. Noes, none. Excused, 1 (Kahele).
Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker).

SCRep. 2810 Commerce, Consumer Protection, and Health on S.B. No. 2878

The purpose and intent of this measure is to

- (1) Authorize the Board of Massage Therapy to prescribe sanitary rules for massage therapy establishments;
- (2) Repeal the petty misdemeanor penalty for those who practice massage or maintain a massage therapy establishment without a license; and
- (3) Increase the minimum and maximum fines for those who violate any law relating to the licensing of massage therapists.

Your Committee received testimony in support of this measure from the Board of Massage Therapy and American Massage Therapy Association – Hawaii Chapter.

Your Committee finds that the Hawaii Administrative Rules that governed sanitation requirements for massage establishments were repealed in October 2018. The repeal resulted in existing massage establishments not being subject to any form of sanitation rules. Your Committee further finds that without any form of sanitary requirement established in law, massage establishments will continue operating under self-imposed sanitary requirements. The Board of Massage Therapy is knowledgeable about best sanitary practices and your Committee believes the Board is better qualified than the Department of Health to adopt rules and regulations regarding sanitation requirements. This measure will ensure the safety of the public by granting rulemaking authority to, and clarifying enforcement powers of, the Board of Massage Therapy, and clarify certain penalties relating to the licensing of massage therapists.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2878 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2811 Commerce, Consumer Protection, and Health on S.B. No. 2278

The purpose and intent of this measure is to:

- (1) Establish disclosure and consent requirements for nonparticipating health care providers;
- (2) Prohibit nonparticipating health care providers from balance billing patients in specific circumstances; and
- (3) Establish rate calculation requirements for reimbursement of nonparticipating providers.

Your Committee received testimony in support of this measure from Hawaii Health Systems Corporation, Hawai'i Pacific Health, Hawaii Medical Service Association, Kaiser Permanente Hawai'i, Hawai'i Primary Care Association, and AARP Hawaii. Your Committee received testimony in opposition to this measure from Hawaii Chapter of the American College of Emergency Physicians, Maui Emergent Medical Associates, Hawaii Emergency Physicians Associated, and Hawaii Medical Association. Your Committee received comments on this measure from the Department of Health, Department of Commerce and Consumer Affairs, The Queen's Health Systems, Adventist Health Castle, Healthcare Association of Hawaii, and one individual.

Your Committee finds that, in emergency situations, consumers can unknowingly receive care from a provider who is not in their health insurance network. Under existing state law, there is no limit to what these out-of-network providers or facilities can charge. As a result, these "surprise bills" can put consumers at significant financial risk of medical debt from bills and has become a growing problem for the consuming public. This measure promotes transparency, helps protect consumers, and removes them from the middle of billing disputes between providers and insurance companies while ensuring out-of-network providers receive a market-based rate that covers their costs.

Your Committee heard the concerns raised in testimony that this measure, as written, poses significant challenges for the Department of Health due to its lack of investigative and enforcement authority. Further, requiring health insurance payors to use a transparent, third-party database (such as FAIR Health, for example) as a base upon which to establish out-of-network reimbursements for emergency care, and requiring health insurers and out-of-network providers to mediate their disputes, can help to protect consumers from being caught in the middle between their insurer and provider. Accordingly, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Removing language that would have established disclosure and consent requirements for health care providers, health care facilities, and hospitals that are nonparticipating providers in a patient's health care plan, and making conforming amendments;
- (2) Inserting language that requires an insurer, mutual benefit society, and health maintenance organization to use data from a transparent, third-party database upon which to calculate out-of-network reimbursements for emergency services;
- (3) Inserting language that requires any dispute between an insurer, mutual benefit society, or health maintenance organization and a provider that arises pursuant to this measure to be submitted to mandatory mediation to be overseen by the Insurance Division of the Department of Commerce and Consumer Affairs;
- (4) Inserting a repeal date of January 2, 2025;
- (5) Inserting an effective date of January 2, 2050, to encourage further discussion;
- (6) Amending section 1 to reflect its amended purpose; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2278, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2278, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Ruderman, Fevella).

SCRep. 2812 (Joint) Technology and Government Operations on S.B. No. 62

The purpose and intent of this measure is to require the Legislature, state departments, and boards and commissions to livestream its public hearings and develop procedures for receiving remote testimony.

Your Committees received testimony in support of this measure from the Democratic Party of Hawai'i, Kohala Coast Resort Association, Hawai'i Alliance of Nonprofit Organizations, Hawaii Advocates For Consumer Rights, Common Cause Hawaii, Pono Hawai'i Initiative, Indivisible Hawaii, and six individuals. Your Committees received testimony in opposition to this measure from the Employees' Retirement System. Your Committees received comments on this measure from the Office of the Governor, Department of Commerce and Consumer Affairs, Department of Labor and Industrial Relations, Department of Land and Natural Resources, Office of Information Practices, Disability and Communication Access Board, Hawaii Paroling Authority, Office of Planning, Hawaii Community Development Authority, Hawai'i Civil Rights Commission, Department of Planning and Permitting of the City and County of Honolulu, and Office of the County Clerk for the County of Hawai'i.

Your Committees find that the public plays an important role in the decision-making process by participating as testifiers and holding elected officials, state department directors, and members of boards and commissions accountable for their decisions. Currently, the opportunity to view public hearings and meetings for many individuals is out of reach either because of financial constraints, physical limitations, or geographic barriers. A number of states provide livestreaming and archived videos of all public meetings held in their respective capitol buildings on public websites available to all. In this technological age, Hawaii should provide livestreaming of all such hearings so that the greatest number of Hawaii residents can view and thereby participate in the legislative process. Without access to these public hearings and meetings, Hawaii constituents are less informed and deprived of full participation in the decision-making process.

Your Committees have amended this measure by:

- (1) Deleting language that would have required the Legislature to livestream all public hearings and establish procedures to enable receiving remote testimony;
- (2) Inserting language that requires state departments and boards and commissions to commence livestreaming by January 1, 2023;
- (3) Changing references to "public hearings" to "meetings";
- (4) Inserting language that requires notice of all meetings by state departments and boards and commission via social media;
- (5) Clarifying that the livestreaming requirements do not apply to county entities;
- (6) Inserting language that establishes a pilot program for livestreaming that requires the Board of Agriculture, Board of Land and Natural Resources, and Hawaiian Homes Commission to livestream all meetings; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Technology and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 62, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 62, S.D. 2, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Technology: Ayes, 4. Noes, none. Excused, 1 (English).
Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker).

SCRep. 2813 (Joint/Majority) Agriculture and Environment and Energy, Economic Development, and Tourism on S.B. No. 3150

The purpose and intent of this measure is to:

- (1) Amend the environmental response, energy, and food security tax to address carbon emissions;
- (2) Increase the tax rate to effectively set a price of \$40 per metric ton of carbon dioxide emissions in 2021; and
- (3) Incrementally increase the tax rate over time to effectively set a price of \$80 per metric ton of carbon emissions in 2030.

Your Committees received testimony in support of this measure from the Hawaii State Energy Office, University of Hawai'i System Hawaii Natural Energy Institute, Americans for Democratic Action, Hawaii Island Citizens' Climate Lobby, Maui Chapter of the Citizens' Climate Lobby, Blue Planet Foundation, IMUAlliance, and nine individuals. Your Committees received testimony in opposition to this measure from Calypso Charters, Ocean Tourism Coalition, Kaua'i Island Utility Cooperative, and Chamber of Commerce Hawaii. Your Committees received comments on this measure from the Hawaii Climate Change Mitigation and Adaptation Commission, Department of Taxation, Department of Land and Natural Resources, Department of Agriculture, Tax Foundation of Hawaii, Hawai'i Gas, Hawaii Petroleum Marketers Association, Department of Transportation, and one individual.

Your Committees find that climate change is the most critical threat to the State of Hawaii and the overwhelming consensus of climate scientists is that climate change is the result of increasing greenhouse gasses in the Earth's atmosphere. Your Committees

further find that the Hawaii Climate Change Mitigation and Adaptation Commission has stated that the most effective single means of reducing greenhouse gas emissions is to “put a price on carbon”.

Your Committees find that a carbon emissions tax may be accomplished by establishing a use—based tax on all carbon dioxide—emitting fuels, such as oil, gas, and coal. The Department of Taxation already implements various fuel—based taxes, and a state carbon emissions tax can be implemented by amending the environmental response, energy, and food security tax, commonly known as the barrel tax. A carbon emissions tax can be assessed and collected for each fuel based on the carbon dioxide—emitting content of that fuel. Your Committees believe that establishing a carbon tax will decrease carbon use and emissions and assist in mitigating climate change impacts.

Your Committees have heard concerns expressed in testimony regarding the disproportionate impact this measure will have on low-income residents. To address these concerns, your Committees believe that a refundable income tax credit for individuals earning moderate to low household incomes could alleviate some of the increased costs incurred by those households that would result from the imposition of a carbon emissions tax.

Your Committees have amended this measure by:

- (1) Inserting a tax credit to mitigate the effect of a carbon emissions tax on lower income taxpayers;
- (2) Restoring the definition of “barrel”;
- (3) Inserting an effective date of January 1, 2022; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3150, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3150, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 3. Noes, 1 (Fevella). Excused, 1 (Thielen).

Energy, Economic Development, and Tourism: Ayes, 4. Noes, 1 (Fevella). Excused, none.

SCRep. 2814 Labor, Culture and the Arts on S.B. No. 2858

The purpose and intent of this measure is to make an emergency appropriation for immediate passage in accordance with Section 9 of Article VII of the Constitution of the State of Hawaii for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (2) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the Department of Budget and Finance; University of Hawai‘i System; and Hawaii Government Employees Association, AFSCME Local 152.

Your Committee finds that settlement agreements between the exclusive representatives of the collective bargaining unit and the public employer were completed and ratified by the collective bargaining unit without sufficient time to be included in or after the adoption by the Legislature of the General Appropriations Act of 2019. Accordingly, it is necessary to submit a separate appropriations measure to cover the cost items and adjustments for this collective bargaining unit.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2858, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2858, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 2815 Labor, Culture and the Arts on S.B. No. 2859

The purpose and intent of this measure is to make an emergency appropriation for immediate passage in accordance with Section 9 of Article VII of the Constitution of the State of Hawaii for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (3) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the Department of Budget and Finance; University of Hawai‘i System; and Hawaii Government Employees Association, AFSCME Local 152.

Your Committee finds that settlement agreements between the exclusive representatives of the collective bargaining unit and the public employer were completed and ratified by the collective bargaining unit without sufficient time to be included in or after the adoption by the Legislature of the General Appropriations Act of 2019. Accordingly, it is necessary to submit a separate appropriations measure to cover the cost items and adjustments for this collective bargaining unit.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2859, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2859, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 2816 Labor, Culture and the Arts on S.B. No. 2860

The purpose and intent of this measure is to make an appropriation for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (4) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the Department of Budget and Finance and Hawaii Government Employees Association, AFSCME Local 152.

Your Committee finds that settlement agreements between the exclusive representatives of the collective bargaining unit and the public employer were completed and ratified by the collective bargaining unit without sufficient time to be included in or after the adoption by the Legislature of the General Appropriations Act of 2019. Accordingly, it is necessary to submit a separate appropriations measure to cover the cost items and adjustments for this collective bargaining unit.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2860, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2860, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 2817 Labor, Culture and the Arts on S.B. No. 2861

The purpose and intent of this measure is to make an appropriation for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (7) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the Department of Budget and Finance; University of Hawai'i System; and Hawaii Government Employees Association, AFSCME Local 152.

Your Committee finds that settlement agreements between the exclusive representatives of the collective bargaining unit and the public employer were completed and ratified by the collective bargaining unit without sufficient time to be included in or after the adoption by the Legislature of the General Appropriations Act of 2019. Accordingly, it is necessary to submit a separate appropriations measure to cover the cost items and adjustments for this collective bargaining unit.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2861, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2861, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 2818 Labor, Culture and the Arts on S.B. No. 2862

The purpose and intent of this measure is to make an emergency appropriation for immediate passage in accordance with Section 9 of Article VII of the Constitution of the State of Hawaii for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (8) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the Department of Budget and Finance; University of Hawai'i System; and Hawaii Government Employees Association, AFSCME Local 152.

Your Committee finds that settlement agreements between the exclusive representatives of the collective bargaining unit and the public employer were completed and ratified by the collective bargaining unit without sufficient time to be included in or after the adoption by the Legislature of the General Appropriations Act of 2019. Accordingly, it is necessary to submit a separate appropriations measure to cover the cost items and adjustments for this collective bargaining unit.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2862, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2862, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 2819 Labor, Culture and the Arts on S.B. No. 2863

The purpose and intent of this measure is to make an emergency appropriation for immediate passage in accordance with Section 9 of Article VII of the Constitution of the State of Hawaii for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (9) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the Department of Budget and Finance; University of Hawai'i System; and Hawaii Government Employees Association, AFSCME Local 152.

Your Committee finds that settlement agreements between the exclusive representatives of the collective bargaining unit and the public employer were completed and ratified by the collective bargaining unit without sufficient time to be included in or after the adoption by the Legislature of the General Appropriations Act of 2019. Accordingly, it is necessary to submit a separate appropriations measure to cover the cost items and adjustments for this collective bargaining unit.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2863, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2863, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 2820 Labor, Culture and the Arts on S.B. No. 2864

The purpose and intent of this measure is to make an emergency appropriation for immediate passage in accordance with Section 9 of Article VII of the Constitution of the State of Hawaii for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (13) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the Department of Budget and Finance; University of Hawai'i System; and Hawaii Government Employees Association, AFSCME Local 152.

Your Committee finds that settlement agreements between the exclusive representatives of the collective bargaining unit and the public employer were completed and ratified by the collective bargaining unit without sufficient time to be included in or after the adoption by the Legislature of the General Appropriations Act of 2019. Accordingly, it is necessary to submit a separate appropriations measure to cover the cost items and adjustments for this collective bargaining unit.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2864, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2864, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 2821 Labor, Culture and the Arts on S.B. No. 2865

The purpose and intent of this measure is to make an appropriation for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (14) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committee received testimony in support of this measure from the Department of Budget and Finance and Hawaii Government Employees Association, AFSCME Local 152.

Your Committee finds that settlement agreements between the exclusive representatives of the collective bargaining unit and the public employer were completed and ratified by the collective bargaining unit without sufficient time to be included in or after the adoption by the Legislature of the General Appropriations Act of 2019. Accordingly, it is necessary to submit a separate appropriations measure to cover the cost items and adjustments for this collective bargaining unit.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2865, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2865, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 2822 (Joint) Labor, Culture and the Arts and Energy, Economic Development, and Tourism on S.B. No. 3088

The purpose and intent of this measure is to appropriate \$100,000 to the Department of Business, Economic Development, and Tourism so that its International Sister State Relations Program can conduct economic, cultural, and educational events in conjunction with our sister state anniversary recognition celebrations in 2020 and 2021.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development, and Tourism and one individual.

Your Committees find that sister state anniversaries with cities and provinces in Japan, Korea, and the Philippines will be recognized within the next two years. Your Committees further find that the addition of business and trade missions, conferences, symposiums, and seminars, or educational and cultural exchanges in conjunction with these significant anniversaries would further enhance the State's trade, travel, and goodwill with our sister states.

Your Committees have amended this measure by:

- (1) Inserting a blank appropriation amount; and
- (2) Inserting an effective date of July 1, 2051, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3088, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3088, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2823 Transportation on S.B. No. 2104

The purpose and intent of this measure is to require drivers of certain three-wheeled vehicles to register the vehicle as a motor vehicle, be examined and licensed by the examiner of drivers, and be issued an appropriate driver's license before operating the vehicle on public roads, streets, and highways.

Your Committee received testimony in support of this measure from the Department of Transportation; Arcimoto, Inc.; IkgaiHI; and one individual.

Your Committee finds that new three-wheeled vehicles that are similar to motorcycles are becoming more and more popular in Hawaii. Currently, there is some confusion as to whether these vehicles are classified as motorcycles or autocycles and which types of license is required to drive them. Your Committee finds that redefining autocycles to include selected provisions of the definition of a three-wheeled vehicle in this measure will accomplish its intent and purpose. Accordingly, your Committee has amended this measure by:

- (1) Amending the description of an autocycle within the definition of "motorcycle" in section 286-2, Hawaii Revised Statutes, to include three-wheeled vehicles that are steered by a handlebar; and
- (2) Removing amendments to Section 286-102, Hawaii Revised Statutes, which set out the conditions defining an autocycle.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2104, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2104, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (English).

SCRep. 2824 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2235

The purpose and intent of this measure is to help fund the State's drug and alcohol toxicology laboratory by depositing fines on repeat offenders, habitual offenders, and offenders who operate a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant into a state drug and alcohol toxicology testing laboratory special fund.

Your Committees received testimony in support of this measure from the Department of Transportation; Department of Public Safety; Department of Health; Honolulu Police Department; Office of the Prosecuting Attorney, County of Hawaii; Department of the Prosecuting Attorney, City and County of Honolulu; Maui Metropolitan Planning Organization Policy Board; Mothers Against Drunk Driving; and two individuals. Your Committees received comments on this measure from the Department of Budget and Finance.

Your Committees find that highway safety in Hawaii is compromised by drunk and drugged drivers who continue to jeopardize the safety of all road users. The police continue their efforts to make our roads safer by arresting those individuals suspected of driving impaired. Your Committees further find that bringing these cases to trial can be hampered by test results not being available for their respective hearings in time, as well as court costs being expensive. Presently, testing of blood and urine samples obtained for the purpose of cases involving the operation of a motor vehicle while under the influence of an intoxicant is performed by private laboratories, except for alcohol blood testing within the City and County of Honolulu. This testing performed by private laboratories is costly. Testing of blood for drugs is currently conducted by an out-of-state private laboratory, which takes time to perform.

Your Committees further find that there have been occasions where the test results were not timely for trial, resulting in case dismissals. Cases can become extremely costly when the prosecution subpoena experts and lab personnel to testify in court, especially if these witnesses are from private laboratories located out of Hawaii. Other states find that costs for drunk and drugged driving cases are greatly reduced when their State-run laboratories perform the testing and confirmations that will be used in court. Some of these State-run laboratories perform other testing functions, such as work place drug testing; post mortem drug testing; the testing of inmates and parolees; etc. Such test functions can further reduce costs for the State. This measure will help to fund a State-run drug and alcohol toxicology testing laboratory. Your Committees further find that the laboratory should be run by the Department of Health. Accordingly, your Committees have amended this measure by:

- (1) Changing the expending agency from the Department of Public Safety to the Department of Health; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2235, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2235, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chair and President on behalf of the Committees.

Transportation: Ayes, 4. Noes, none. Excused, 1 (English).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 5. Noes, none. Excused, none.

SCRep. 2825 (Joint) Transportation and Public Safety, Intergovernmental, and Military Affairs on S.B. No. 2330

The purpose and intent of this measure is to strengthen Hawaii's laws regarding operating a vehicle under the influence of an intoxicant by:

- (1) Establishing penalties for and defining "highly intoxicated operator";
- (2) Increasing license revocation periods and lookback periods for offenses of operating a vehicle under the influence of an intoxicant; and
- (3) Increasing penalties for repeat offenders, habitual offenders, and persons driving on a suspended or revoked license for offenses of operating a vehicle under the influence of an intoxicant.

Your Committees received testimony in support of this measure from the Department of Transportation; Honolulu Police Department; Department of the Prosecuting Attorney, City and County of Honolulu; Office of the Prosecuting Attorney, County of Hawaii; Mothers Against Drunk Driving; Smart Start; and one individual. Your Committees received testimony in opposition to this measure from the Office of the Public Defender.

Your Committees find that the habitual "highly intoxicated driver," or someone who has been arrested and convicted many times over, poses a substantial risk to others on the road. Despite their repeated arrests and convictions, these drivers continue to drink and drive. Your Committees have heard testimony from the Department of Transportation expressing concern that these drivers will eventually be involved in a collision resulting in someone's death.

Your Committees further find that during 2015-2019, police arrested an average of 6,030 drivers for operating a vehicle under the influence of an intoxicant per year. An average 1,664 of those 6,030 drivers who were arrested and tested, had blood alcohol concentration of 0.150 and higher. In addition, the average blood alcohol concentration during 2015-2019 was 0.162, more than double the legal limit. This measure aims to strengthen the current law regarding operating a vehicle under the influence of an intoxicant.

Your Committees note that H.B. No. 2174, H.D. 1 (Regular Session of 2020), is a substantially similar measure that also amends current laws regarding operating a vehicle under the influence of an intoxicant. Your Committees conclude that the language in H.B. No. 2174, H.D. 1, which was submitted as a proposed S.D. 1 via the testimony of the Department of the Prosecuting Attorney for the City and County of Honolulu, is preferable, as it was produced as a collaborative effort that included the input from the Department of Transportation's Hawaii Drug and Alcohol Intoxicated Driving Working Group (comprised of members including the county police and prosecutors, Mothers Against Drunk Driving, and the Department of Health), Hawaii Association of Criminal Defense Lawyers, and the Office of the Public Defender.

Accordingly, your Committees have amended this measure by:

- (1) Deleting its contents and inserting the contents of the proposed S.D. 1 provided by the Department of the Prosecuting Attorney, City and County of Honolulu, which was introduced as H.B. No. 2174, H.D. 1, a substantially similar measure, which:
 - (A) Defines the term "highly intoxicated driver";
 - (B) Establishes higher penalties for operating a vehicle under the influence of an intoxicant as a "highly intoxicated driver";
 - (C) Increases license revocation periods ordered by the Administrative Driver's License Revocation Office, and applicable lookback periods;
 - (D) Requires that ignition interlock devices be installed and maintained on one or more vehicles registered to, and all vehicles operated by, anyone convicted of operating a vehicle under the influence of an intoxicant, during their applicable period of license revocation; and
 - (E) Establishes higher penalties for repeatedly operating a vehicle under the influence of an intoxicant offenders and habitual operating a vehicle under the influence of an intoxicant offenders; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2330, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2330, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair and President on behalf of the Committees.

Transportation: Ayes, 4. Noes, none. Excused, 1 (English).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 5. Noes, none. Excused, none.

SCRep. 2826 (Joint) Labor, Culture and the Arts and Government Operations on S.B. No. 2869

The purpose and intent of this measure is to identify certain specific types of alternative investment fund information, the disclosure of which would likely put the Employees' Retirement System (the system) at a competitive disadvantage. This measure exempts such categories of information from disclosure under chapter 92F, Hawaii Revised Statutes, consistent with market best practices.

Your Committees received testimony in support of this measure from the Employees' Retirement System. Your Committee received testimony in opposition to this measure from the Civil Beat Law Center for Public Interest, Common Cause Hawaii, Hawaii Professional Chapter of the Society of Professional Journalists, 350 Hawaii, and six individuals.

Your Committees find, in order to address the system's unfunded liability and other financial needs, the system engages in diversified investment, including high—yield private alternative investment funds. Due diligence into such investments requires that the system invest time and money for detailed proprietary and confidential information regarding the projected performance of each fund. If the system is required to disclose such confidential information, the system is disadvantaged as a competitive investor. Competing investors would be able to acquire, at no cost, the system's investment intelligence, resulting in oversubscription of the system's best investments, reducing the system's access.

Your Committees further find that if the system is required to disclose confidential information that the investment funds require to be kept confidential, some high-performing funds will be deterred from allowing the system to invest with them. In order to manage such risks, the system currently expends significant resources and efforts in responding to requests for such confidential information.

Your Committees have heard the concerns of the Civil Beat Law Center for the Public Interest and its request to limit exemptions to specifically identified records pursuant to section 92F13-4 of the Hawaii Revised Statutes. Accordingly, your Committees have amended this measure by:

- (1) Referencing section 92F-13 as to the list of exempt records;
- (2) Deleting repetitive proposed language; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2869, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2869, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 4; Ayes with Reservations (Ihara). Noes, none. Excused, 1 (Gabbard).

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker).

SCRep. 2827 (Joint) Labor, Culture and the Arts and Human Services on S.B. No. 2769

The purpose and intent of this measure is to include tips or gratuities paid directly to an individual by a customer of the employer and reported or declared to the employer under the definition of income withheld by employers for payments of child or spousal support.

Your Committees received testimony in support of this measure from one individual. Your Committees received comments to this measure from the Department of the Attorney General.

Your Committees find that cash wages paid directly by the employer and the amount of any tip credit claimed by the employer under federal or state law are earnings for the purposes of the wage garnishment law. Tips received in excess of the tip credit amount or in excess of the wages paid directly by the employer, if no tip credit is claimed or allowed, are not earnings for purposes of the Consumer Credit Protection Act, Title III.

Your Committees have amended this measure as recommended by the Attorney General by inserting the phrase "to the extent permitted under relevant federal law" to conform the amendments with federal guidelines.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2769, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2769, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

Human Services: Ayes, 3. Noes, none. Excused, 2 (Riviere, Fevella).

SCRep. 2828 Labor, Culture and the Arts on S.B. No. 2868

The purpose and intent of this measure is to clarify that:

- (1) Hawaii Domestic Relations Orders apply to benefits that a Employees' Retirement System (ERS) member is expected to receive or is receiving;
- (2) Release of a member's ERS information may be initiated by a complaint for divorce or a divorce decree;
- (3) The ERS will notify the parties of the advisory review determination on proposed domestic relations orders;
- (4) A Hawaii Domestic Relations Order applied to a termination refund will not apply to any future return to work benefits;

- (5) Should a retirant be deceased within a year of retirement, any payments made to an alternate payee will be considered payments to the retirant, should the beneficiary select an alternative benefit option; and
- (6) The priority of multiple orders will be based upon the date of the receipt of the domestic relations order.

Your Committee received testimony in support of this measure from the State of Hawaii Employees' Retirement System.

Your Committee finds that the Employees' Retirement System will begin processing Hawaii Domestic Relations Orders to allow the Employees' Retirement System to make direct payments to alternate payees on July 1, 2020. In order to facilitate its implementation and to provide transparency regarding benefits payable to parties involved, there is need to specify the benefits payable and clarify the process of the qualification, approval, and application of Hawaii Domestic Relations Orders.

Your Committee has amended this measure by:

- (1) Making clarifying amendments to the language of this measure;
- (2) Inserting an effective date to July 1, 2051, to encourage further discussion;
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2868, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2868, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2829 Higher Education on S.B. No. 2823

The purpose and intent of this measure is to prohibit the president of the University of Hawaii from serving concurrently as a campus chancellor.

Your Committee received testimony in opposition to this measure from the University of Hawai'i System.

Your Committee finds that the professional obligations and skill sets and priorities of the president of an entire public state university system and chancellor responsible for the daily operation of that system's flagship campus are very different. Further, the inherent conflicts of interest between the two positions are both plentiful and obvious.

Your Committee additionally finds that the University of Hawaii Board of Regents engaged the Western Interstate Commission for Higher Education (WICHE) to address whether the Board of Regents should reconsider the 2001 separation of roles of the president of the University of Hawaii system and the chancellor of the University of Hawaii at Manoa. In their report, WICHE strongly recommended maintaining the "structure in which the president of the University of Hawaii system is a distinct and separate position from the chancellor of the University of Hawaii at Manoa." Despite the recommendation of WICHE, the University of Hawaii Board of Regents continues to maintain a policy as to the duties of the president that is inconsistent with the recommendations of WICHE and the purpose and intent of this measure. The expressed policy of the Board of Regents is that the "president is the chief executive officer of the board, the University of Hawaii System, and the University of Hawai'i, Manoa."

The authority to change the existing policy of the Board of Regents to conform to the recommendations of WICHE or to achieve the purpose and intent of this measure is clearly with the Board of Regents. However, your Committee finds that until the Board of Regents formulates a resolution of its policy as to the duties of the President of the University and the recommendations of WICHE, the intent and purpose of this measure may continue to be a matter of statewide concern that warrants intervention on the part of the legislature. Your Committee strongly recommends that the Board of Regents implement policies consistent with the purposes of this Act.

Your Committee has amended this measure by:

- (1) Amending the effective date to July 1, 2050; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2823, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2823, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kidani).

SCRep. 2830 Water and Land on S.B. No. 3110

The purpose and intent of this measure is to prohibit nonresident aliens and businesses and trusts that are significantly controlled by nonresident aliens from acquiring certain residential property in the State, except as otherwise provided by law.

Your Committee received testimony in support of this measure from nineteen individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association of REALTORS.

Your Committee finds that the high cost of purchasing property has put homeownership out of reach for many families in Hawaii. One factor contributing to the inflated cost of homes is the activity of nonresident alien developers and investors. Speculation in the land market by these developers and investors artificially increases competition in the market and drives prices beyond the resources of individuals and families who would like to purchase homes.

Your Committee also finds that other jurisdictions have restricted nonresident aliens from purchasing land in an attempt to keep prices from being artificially inflated. This measure will prohibit nonresident aliens and businesses and trusts significantly controlled by nonresident aliens from acquiring certain residential property in the State, which will allow more homes to be purchased by the people of Hawaii.

Your Committee is reporting this measure out to facilitate continued review and consideration by the Committee on Judiciary.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3110, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3110, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the President on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Keith-Agaran, Nishihara). Noes, none. Excused, none.

SCRep. 2831 (Joint) Water and Land and Energy, Economic Development, and Tourism on S.B. No. 2696

The purpose and intent of this measure is to require the Office of Planning to conduct a feasibility and implementation plan on assessing tourism green fees.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Youth Climate Coalition, Kohala Coast Resort Association, Hawaiian Airlines, and two individuals. Your Committees received comments on this measure from the Office of Planning.

Your Committees find that Hawaii's natural resources are huge economic assets, an essential piece of our tourism industry, and support the well-being of our communities. However, the State's natural resources continue to decline, due to lack of adequate investment in proven and effective conservation approaches. Innovative financing mechanisms such as green fees are trending around the globe as triple bottom-line solutions to better manage visitor impacts on eco-systems and natural resources. Green fees may be referred to as eco-taxes, tourist taxes, green taxes, and environmental, conservation and tourism levies. In general, green fees require mandatory payments made by visitors to government entities for the explicit purpose of supporting conservation and natural resource management. This measure will appropriate funds for a feasibility and implementation plan focused on the establishment of a green fees program that will help the State invest in improving Hawaii's natural resources.

Your Committees note that according to the testimony of the Office of Planning, it estimates an appropriation of \$600,000 for the feasibility and implementation plan. Your Committees recommend that the Office of Planning's suggestions be considered regarding requiring that the Office of Planning create an advisory group no later than July 1, 2021 made up of stakeholders and industry leaders. Your Committees recommend that the county agencies also be including in the advisory group. Your Committees note that should the State of Hawaii enact a green fee in the future, a fair apportionment should be apportioned amongst the various jurisdictions that are impacted.

Your Committees have amended this measure by:

- (1) Inserting language that the private sector be required to pay for fifty percent of the cost of the feasibility and implementation plan;
- (2) Inserting a blank appropriation amount;
- (3) Inserting an effective date of December 31, 2033, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2696, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2696, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the President and Chair on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2832 (Joint) Water and Land and Government Operations on S.B. No. 2417

The purpose and intent of this measure is to:

- (1) Require the Department of Land and Natural Resources to recognize that game mammals and game birds are a sustainable food source and that the State's unique relationship with the ocean provides the opportunity to integrate the local fish and game industry into the State's food security profile by establishing and maintaining fish propagating facilities;
- (2) Require each department, office, or agency of the State to update its rules and policies to integrate the local hunting and fishing industries into any food security or sustainability strategies that the department, office, or agency employs; and
- (3) Require reports to the Legislature.

Your Committees received testimony in support of this measure from the Hawaii County Game Management Advisory Committee, Coral Fish Hawaii, HFACT, Hui Aloha Aina o na Wahine o Wai'ale'ale-Women's Patriotic League, and fifteen individuals. Your

Committees received testimony in opposition to this measure from the Office of Hawaiian Affairs and Conservation Council for Hawai'i. Your Committees received comments on this measure from the Department of Land and Natural Resources and one individual.

Your Committees find that free-ranging introduced mammals such as pigs, goats, deer, and sheep provide recreational hunting opportunities and meat for some of Hawaii's residents. If left to their own devices, these animals will also create significant environmental degradation to both farmland and the natural environment. This measure will require the Department of Land and Natural Resources to recognize that game mammals and birds are a sustainable food source, which will help ensure that game can be hunted for food and used for proper land management.

Your Committees have amended this measure by:

- (1) Incorporating the changes proposed by the Office of Hawaiian Affairs by clarifying that the Department of Land and Natural Resources shall recognize that game mammals and game birds can provide a sustainable food source when properly managed in appropriate areas that minimize their impacts to important watershed areas and functions as well as to native Hawaiian traditional and customary practices and the resources those practices rely upon, and that the State's unique relationship with the ocean requires a careful consideration and management of land and ocean activities that prioritize the public trust responsibilities of the State, including but not limited to the conservation of natural resources for future generations and the protection of native Hawaiian traditional and customary practices pursuant to article XI, section 1 and article XII, section 7, of the Hawaii State Constitution;
- (2) Clarifying that the Department of Land and Natural Resources is not required to establish and maintain fish propagating facility or facilities under section 183D-2, Hawaii Revised Statutes;
- (3) Changing the deadline for each department, office, or agency of the State to update its rules and policies to integrate the local hunting and fishing industries into any food security or sustainability strategies that the department, office, or agency employs to July 1, 2022;
- (4) Removing the language that the rules and policies updated pursuant to section 2(a) of this Act shall incorporate the policy goal of preserving, protecting, and promoting the State's hunting and fishing industries and practices into viable and sustainable economic, nutritional, and cultural resources, replacing it with language that the rules and policies shall be updated pursuant to section 183D-2, Hawaii Revised Statutes, and making conforming amendments; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2417, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2417, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the President and Chair on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

Government Operations: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

SCRep. 2833 (Joint) Water and Land and Government Operations on S.B. No. 2629

The purpose and intent of this measure is to:

- (1) Require state agencies to participate in a carbon offset program to offset carbon emissions caused by their employees' air travel; and
- (2) Require the Department of Land and Natural Resources to establish and administer a carbon offset program.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Climate Protectors Coalition, 350Hawaii, and five individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the State Procurement Office and Office of Planning.

Your Committees find that air travel by state employees produces carbon dioxide and other greenhouse gas emissions that contribute to global climate effects. Reforestation projects involving planting trees can sequester substantial amounts of carbon dioxide, as well as provide a variety of ecological, culture, recreational, education, and economic benefits. This measure will establish a carbon offset program, the funds from which would help to accelerate the number of trees planted and mitigate our carbon footprint.

Your Committees have amended this measure by:

- (1) Incorporating the Department of Land and Natural Resources proposed changes by clarifying that the carbon offset program shall include a procedure for determining the amount of carbon dioxide emissions in metric tons that result from air travel by a single airline passenger based on the average fuel consumption and corresponding carbon dioxide emission per hours traveled;
- (2) Removing the term "department" as defined and replacing it with "departments", defined as the Department of Land and Natural Resources and Department of Budget and Finance and making conforming amendments; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2629, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2629, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the President and Chair on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).
Government Operations: Ayes, 4. Noes, none. Excused, 1 (Baker).

SCRep. 2834 (Joint) Water and Land and Housing on S.B. No. 2620

The purpose and intent of this measure is to authorize county land use decision-making authorities to amend district boundaries involving land areas greater than fifteen but no more than thirty acres in the urban district without consideration of the Land Use Commission if at least sixty percent of the land is used to develop affordable housing.

Your Committees received testimony in support of this measure from the Office of Housing and Community Development; County of Maui, Office of the Mayor; Building Industry Association; Chamber of Commerce Hawaii; Land Use Research Foundation of Hawaii; and one individual. Your Committees received testimony in opposition to this measure from the Office of Hawaiian Affairs, Hawaii's Thousand Friends, Young Progressives Demanding Action, Kihei Community Association, and six individuals. Your Committees received comments on this measure from the Department of Agriculture, Land Use Commission, and Hawaii Association of REALTORS.

Your Committees find that the State's population has declined each year over the past three years, an unprecedented situation that has not happened since Hawaii became a state in 1959. A significant portion of this population loss can be attributed to the State's high cost of living and lack of affordable dwellings. Your Committees further find that housing costs continue to rise, keeping homeownership outside the reach of many Hawaii residents. Accordingly, this measure will provide solutions to expeditiously develop housing for working families in the State.

Your Committees have amended this measure by:

- (1) Amending section 205-3.1(a), Hawaii Revised Statutes, and clarifying that subsection (a)(2) involves lands delineated as important agriculture land and subsection (a)(3) involves land areas greater than fifteen acres, except non important agricultural land or rural land areas greater than fifteen acres but no more than twenty-five acres if the land areas are proposed for reclassification to the urban district and at least sixty percent of the land areas will be dedicated for the development of affordable housing;
- (2) Clarifying in section 205-3.1(b), Hawaii Revised Statutes, that a petition may be filed for lands sought to be reclassified with the appropriate authority in which the land is situated for a change in the boundary of a district involving land areas greater than fifteen acres, but not more than twenty-five acres if the land areas are proposed for reclassification to the urban district are contiguous to the urban district and at least sixty percent of the square footage of the development will be dedicated for the development of affordable housing;
- (3) Specifying in section 205-3.1, Hawaii Revised Statutes, that parceling of lands for development shall be prohibited for the purposes of subsection (d) and if lands that have been parceled are proposed for reclassification, the petition for reclassification shall be processed as lands greater than fifteen or twenty-five acres,
- (4) Specifying in section 205-3.1, Hawaii Revised Statutes, that "parceling" means the subdivision of lands greater than twenty-five acres into two or more parcels, more than one of which is then proposed for reclassification within a ten-year period of time from the date of the subdivision;
- (5) Specifying in section 205-3.1, Hawaii Revised Statutes, that "affordable housing" means housing that requires the purchaser to be, in perpetuity, a Hawaii resident, an owner occupant, and owner of no other real property;
- (6) Clarifying in section 205-4(g), Hawaii Revised Statutes, that the requisite petition to seek a boundary change is to be filed within a period of not more than three hundred sixty-five days after the proper filing of a completed petition;
- (7) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2620, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2620, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the President and Chair on behalf of the Committees.

Water and Land: Ayes, 5. Noes, none. Excused, none.

Housing: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2835 (Joint) Water and Land and Housing on S.B. No. 3108

The purpose and intent of this measure is to appropriate funds for planning a mixed-use residential development, including one or more parking structures, on the land currently occupied by the Waipahu Civic Center.

Your Committees received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation and Office of Planning. Your Committees received comments on this measure from the Department of Human Services.

Your Committees find that the Hawaii Housing Finance and Development Corporation is partnering with other state departments and agencies to explore the redevelopment of approximately 12.51 acres of state land near the Waipahu transit center station and the Hikimoe bus transit center. The proposed mixed-use development aligns with the State's strategic plan for transit-oriented development.

Your Committees further find that these state lands include the parcel upon which the Waipahu library and civic center sit; two surface parking lots, including a lot leased to Plantation Town apartments; and a parcel currently occupied by the Waipahu community

adult day health center and youth day center. This measure will appropriate funds for master planning a mixed-use development on the land occupied by the Waipahu civic center, which will help further the State's plan for more transit-oriented development.

Your Committees have amended this measure by:

- (1) Incorporating changes proposed by the Department of Human Services to insert language specifying that equitable development principles are to apply to ensure that the low-income and fixed-income residents are not displaced, and that access to essential public and other services, such as banks and grocery store, remain convenient for clients as well as the workforce;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3108, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3108, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the President and Chair on behalf of the Committees.

Water and Land: Ayes, 5. Noes, none. Excused, none.

Housing: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2836 (Joint) Water and Land and Housing on S.B. No. 3113

The purpose and intent of this measure is to:

- (1) Direct the Hawaii Public Housing Authority to convey a specified 15.418-acre parcel in Honokaa, Hawaii county, to the Hawaii Housing Finance and Development Corporation;
- (2) Require the Hawaii Housing Finance and Development Corporation conduct a feasibility study to determine whether the parcel is suitable for residential development; and
- (3) Appropriate funds for the feasibility study.

Your Committees received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, Office of Housing and Community Development, and one individual. Your Committees received comments on this measure from the Hawaii Public Housing Authority; and County of Hawaii, Office of the Mayor.

Your Committees find that there is a dire need for affordable rental housing in the county of Hawaii. In particular, the east side of the county lacks sufficient affordable housing relative to demand. A 15.418-acre parcel in Honokaa, county of Hawaii, identified as TMK No. (3) 4-5-010:122, may be suitable to address the county's need for affordable rental housing. This measure transfers the parcel to the Hawaii Housing Finance and Development Corporation to be used for affordable housing.

Your Committees have amended this measure by:

- (1) Incorporating changes proposed by the Hawaii Housing Finance and Development Corporation by clarifying that the parcel shall not be conveyed by the Hawaii Public Housing Authority rather that the Hawaii Housing Finance and Development Corporation shall take title to the parcel and be responsible for properly documenting any change in title;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3113, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3113, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the President and Chair on behalf of the Committees.

Water and Land: Ayes, 5. Noes, none. Excused, none.

Housing: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2837 (Joint) Higher Education and Education and Energy, Economic Development, and Tourism on S.B. No. 2056

The purpose and intent of this measure is to:

- (1) Requires the University of Hawaii to collaborate with the Department of Education and the Department of Business, Economic Development, and Tourism to develop and implement an interactive web tool that will enable degree-seeking individuals to make better-informed decisions regarding their post-secondary education and career choices; and
- (2) Appropriates funds.

Your Committees received testimony in support of this measure from the University of Hawaii System and Department of Business, Economic Development, and Tourism. Your Committees received comments on this measure from the Department of Education.

Your Committees find that the University of Hawaii has an interactive web tool called the Hawaii Career Explorer that was developed by the University of Hawaii Community College, supported in part by private foundation grants. It has functionalities that substantially accomplish what is proposed in this measure.

Your Committees further find that the Department of Education is working collaboratively with the University of Hawaii on projects, such as the Hawaii Career Explorer web tool development project, to allow students to navigate occupations, salaries, and

university programs to better prepare them in making educational and career choices. Your Committees believe that the development of these tools deserve increase attention to expand their functionalities, making them easier to access and use by students, prospective and current employers, and the public. There is also a need to expand the use of the tools to cover and include the fast changing labor and employment markets. Your Committees also believe that the collaboration of the University of Hawaii and the Department of Education to improve and expand web access and use should include other governmental agencies, such as the Department of Business, Economic Development and Tourism, private businesses and foundations, and others who are interested in assisting students in making post-secondary educational and career choices.

Your Committees have amended this measure by:

- (1) Removing the purpose section which laid out the rationale for creating an interactive web tool; and
- (2) Requiring the University of Hawaii to collaborate with a diverse array of public and private stakeholders that will enable degree-seeking individuals to make better-informed decisions regarding their post-secondary education and career choices.

As affirmed by the records of votes of the members of your Committees on Higher Education, Education, and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2056, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2056, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Keith-Agaran).

Education: Ayes, 5. Noes, none. Excused, none.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Taniguchi).

SCRep. 2838 (Joint) Higher Education and Education on S.B. No. 3179

The purpose and intent of this measure is to exempt the Department of Education and University of Hawaii security personnel from duplicative registration requirements addressed by civil service standards.

Your Committees received testimony in support of this measure from the Department of Education and University of Hawaii. Your Committees received comments on this measure from the Department of Human Resources Development, Department of Commerce and Consumer Affairs, Hawaii Board of Private Detectives and Guards, and Hawaii Government Employees Association.

Your Committees find that the safety and well-being of all public school and University of Hawaii students and employees is of paramount importance. Both institutions already have their own requirements and internal processes to selectively employ their own high caliber security personnel. Exempting the Department of Education and University of Hawaii from the requirements of chapter 465-10.5, Hawaii Revised Statutes, will give these educational institutions greater flexibility in the hiring of qualified candidates in an efficient and timely manner.

Your Committees further find that, as a part of this enhanced hiring flexibility, the Department of Education and University of Hawaii should have the authorization to hire security personnel applicants who do not possess a guard card at the time of employment. After gaining professional experience for a year at these institutions, these employees shall acquire a guard card as a credential to help them seek employment as security personnel in other job settings.

Your Committees have amended this measure by authorizing the Department of Education or University of Hawaii to hire applicants without a guard card.

As affirmed by the records of votes of the members of your Committees on Higher Education and Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3179, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3179, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Higher Education: Ayes, 5. Noes, none. Excused, none.

Education: Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2839 (Joint) Commerce, Consumer Protection, and Health and Technology on S.B. No. 2275

The purpose and intent of this measure is to authorize notaries public to perform remote notarial acts utilizing electronic documents with electronic signatures and seals.

Your Committees received testimony in support of this measure from First American Title. Your Committees received testimony in opposition to this measure from Hawaii Bankers Association. Your Committees received comments on this measure from the Department of the Attorney General, State of Hawai'i Commission to Promote Uniform Legislation, and one individual.

Your Committees find that because of technological advancements, tens of thousands of remote online notarizations are already happening each year. Twenty-two states have implemented remote online notary laws. Today, Hawaii residents are going online to use the services of remote online notaries based in other states instead of being able to use Hawaii notaries to provide these services. This measure would safeguard Hawaii residents by extending the protections of existing law to this rapidly expanding type of notarial practice.

Your Committees have heard the concerns raised in testimony that this measure, as written, does not track with the wording of the Revised Uniform Law on Notarial Acts (RULONA) drafted by the National Conference of Commissioners on Uniform States Laws regarding notarial acts performed by remotely located individuals, the Hawaii Uniform Electronic Transactions Act, other state notary laws, or current notary practices.

Your Committees note that S.B. No. 2850 (Regular Session of 2020) follows the provisions of RULONA and provides that an individual may appear before a notary public by means of communication technology and thereby comply with the requirement of an

appearance before a notary public. Your Committees conclude that the language of S.B. No. 2850 is preferable for these reasons and addresses the concerns raised by the Department of the Attorney General.

Accordingly, your Committees have amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 2850, a measure which:
 - (A) Clarifies that a remotely located individual may comply with any requirement of law of this State to appear personally before or be in the presence of a notary public at the time of the performance of a notarial act by using communication technology;
 - (B) Authorizes a remote online notary public located in this State to perform notarial acts using communication technology for a remotely located individual under certain circumstances;
 - (C) Clarifies that, if applicable, certificates of notarial acts shall indicate that a notarial act was performed using communication technology;
 - (D) Establishes requirements for a form of certificate of notarial act, including a certificate of acknowledgement, performed using communication technology;
 - (E) Establishes requirements for preservation of audiovisual recordings;
 - (F) Requires a remote online notary public to notify the Department of the Attorney General that the remote online notary public will be performing notarial acts with respect to remotely located individuals and identify the technologies the remote online notary public intends to use;
 - (G) Requires the Department of the Attorney General to adopt, amend, or repeal administrative rules regarding notarial acts using communication technology;
 - (H) Defines “communication technology”, “foreign state”, “identify proofing”, “outside the United States”, “remote online notary public”, and “remotely located individual”;
 - (I) Establishes application and qualification requirements to be commissioned as a remote online notary public;
 - (J) Authorizes a notary public to select one or more tamper-evident technologies to perform notarial acts with respect to electronic documents and make certain notices to the Department of the Attorney General;
 - (K) Authorizes the Registrar of Conveyances to accept for recording electronic documents containing a notarial certificate under certain circumstances; and
 - (L) Clarifies the validity of notarial acts performed by the notary public;
- (2) Making conforming updates to certain provisions of chapter 456, Hawaii Revised Statutes;
- (3) Clarifying that a notary public may not perform a notarial act with respect to a document to which the notary public or the notary public’s spouse or civil partner has a direct beneficial interest;
- (4) Clarifying that a notary public shall maintain a journal, in a tangible medium or electronic format, that chronicles all notarial acts performed by the notary public, and establishing other requirements;
- (5) Establishing a \$25 fee for any notarial act performed for a remotely located individual;
- (6) Clarifying penalties for failing to obtain satisfactory evidence of identity for a remotely located individual;
- (7) Clarifying requirements for affixing official stamps;
- (8) Inserting an effective date of July 1, 2021;
- (9) Amending section 1 to reflect its amended purpose; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2275, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2275, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Thielen, Fevella).

Technology: Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

SCRep. 2840 (Joint) Commerce, Consumer Protection, and Health and Judiciary on S.B. No. 2903

The purpose and intent of this measure is to prohibit:

- (1) The sale of flavored products for electronic smoking devices; and
- (2) The mislabeling of e-liquid products containing nicotine.

Your Committees received testimony in support of this measure from the Department of Health; Honolulu Police Department; Hawai‘i Public Health Institute; Hawai‘i Pacific Health; Hawaii Youth Services Network; Hawai‘i Primary Care Association; American Heart Association; American Association of University Women of Hawaii; Blue Zones Projects; Hawaii Substance Abuse Coalition;

University of Hawaii Student Health Advisory Council; Hawaii Dental Hygienists' Association; Hilo Medical Center; West Hawaii Community Health Center; Hawaii – American Nurses Association; Hawaii Chapter, American Academy of Pediatrics; American Cancer Society Cancer Action Network; Filipino Business Women's Association; Hawai'i Community Foundation; We Are One, Inc.; Hawaii Association of Independent Schools; Hui No Ke Ola Pono; Flavors Hook Kids Hawai'i; Kapi'olani Smokefree Families; Pioneering Healthier Communities Initiative; Tobacco Free; Youth Tobacco Free; Pediatric Therapies Hawaii; Kaho'omiki; Hawaii State Teachers Association; Filipino Nurses Organization of Hawaii; Keiki Injury Prevention Coalition; Hawaii Children's Action Network Speaks!; Association of Hawaiian Civic Clubs; and numerous individuals. Your Committees received testimony in opposition to this measure from the Hawaii Smokers Alliance; Hawaii Petroleum Marketers Association; Vape Kings, LLC; Irie Hawaii Stores; Irie Hawaii Waimea; VOLCANO eCigs; 24hourvapes; and eighty-seven individuals.

Your Committees find that there has been a dramatic increase in the use of electronic smoking devices by Hawaii's youth and that a significant driver of this increase is the availability of flavored products. The tobacco industry and electronic smoking device industry have significantly increased the introduction and marketing of flavored non-cigarette tobacco products for electronic smoking devices. Adding flavors to tobacco changes the taste and reduces the harshness of the otherwise unflavored tobacco product, making smoking more appealing and easier for beginners to try. Therefore, to ensure the health and safety of consumers, especially youth and teenagers, it is necessary to further regulate the electronic smoking device industry, particularly the sale of flavored non-cigarette tobacco products.

Your Committees have amended this measure by:

- (1) Clarifying provisions related to the forfeiture and destruction of any flavored tobacco products found in a retailer's possession that are in violation of the sale of flavored tobacco products or mislabeling of e-liquid products containing nicotine;
- (2) Clarifying that any retailer and any agents or employees of the retailer who violate provisions relating to the sale of flavored tobacco products or mislabeling of e-liquid products containing nicotine shall, rather than may, be sentenced to a fine not exceeding \$500;
- (3) Clarifying the definition of "electronic smoking device";
- (4) Clarifying the definition of "tobacco product"; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2903, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2903, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Nishihara, Wakai, Fevella).

Judiciary: Ayes, 4; Ayes with Reservations (Gabbard). Noes, none. Excused, 1 (Fevella).

SCRep. 2841 Commerce, Consumer Protection, and Health on S.B. No. 2880

The purpose and intent of this measure is to allow all fees collected by the Department of Commerce and Consumer Affairs to be increased or decreased with the approval of the Governor instead of by statute rule.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that section 92-28, Hawaii Revised Statutes, enumerates the chapters that set fees, including those collected by the Department of Commerce and Consumer Affairs (DCCA), that may be increased or decreased with the approval of the Governor. Currently, this list fails to capture all the fees that DCCA collects, and this list is cumbersome in itemizing the statutory chapters subject to DCCA's authority to increase or decrease its fees. This measure accordingly captures all existing and future DCCA fees and will avoid the need to further amend section 92-28, Hawaii Revised Statutes, whenever DCCA's jurisdiction may change. Further, this measure will permit DCCA to better serve Hawaii residents by providing a uniform, fair, and timely mechanism for fee adjustments.

Your Committee further notes that section 3 of Act 193, Session Laws of Hawaii 2019, which is effective July 1, 2020, already repeals chapter 481E from section 92-28, Hawaii Revised Statutes. Accordingly, amendments to this measure are necessary to ensure the appropriate existing statutory language is included.

Your Committee has amended this measure by making technical, nonsubstantive amendments for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2880, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2880, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2842 Commerce, Consumer Protection, and Health on S.B. No. 30

The purpose and intent of this measure is to require pharmacies to:

- (1) Provide written notice to patients advising them of certain risks associated with not properly disposing of unwanted or expired drugs;

- (2) Make available certain drug disposal options; and
- (3) Provide written informational materials concerning available drug disposal options.

Your Committee received testimony in support of this measure from University of Hawai'i at Hilo, Daniel K. Inouye College of Pharmacy. Your Committee received comments on this measure from the Board of Pharmacy, Kaiser Permanente Hawai'i, and Walgreen Co.

Your Committee finds that improperly disposing of unused or expired prescription drugs can create significant risks, including environmental contamination, mistaken ingestion, theft, assault, or even addiction. Your Committee finds that Act 183, Session Laws of Hawaii 2019, authorizes pharmacies to accept the return of any prescription drug for disposal or mail-back programs, which has also helped to establish other drug take back programs in the State. However, many residents may not be aware of this option, or the associated risks of not properly disposing of unwanted or expired drugs. Accordingly, this measure promotes public health and safety by educating patients about proper disposal and makes available certain disposal options to patients.

Your Committee notes the concerns raised in the testimony of the Board of Pharmacy that this measure will adversely affect the workload and resources for community or independent pharmacies and finds these concerns to be without merit. The existing Hawaii Medication Drop Box and Disposal Program is a public health and safety partnership between the multiple county and state departments, and this measure simply requires pharmacies to provide information and make options available to residents in furtherance of this program.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 30, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 30, S.D. 2, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2843 Commerce, Consumer Protection, and Health on S.B. No. 2422

The purpose and intent of this measure is to:

- (1) Prohibit roofing contractors from offering to pay, in any monetary form, an insured's insurance deductible as an incentive to encourage the insured to hire the contractor; and
- (2) Allow insureds to rescind contracts with roofing contractors within five business days of receiving notification from an insurer that all or any part of a claim or contract is not a covered loss under the insured's insurance policy.

Your Committee received testimony in support of this measure from the Hawaii Insurer's Council, National Insurance Crime Bureau, National Association of Mutual Insurance Companies, and the Hawaii Public Adjusters Corporation. Your Committee received testimony in opposition to this measure from four individuals. Your Committee received comments on this measure from the Contractors License Board, State Farm Mutual Automobile Insurance Company, and the Roofing Contractors Association of Hawaii.

Your Committee finds that contractor fraud, particularly involving exterior repair, is a widespread problem. Often, in the aftermath of a major storm, unscrupulous and aggressive contractors use the opportunity to prey upon already vulnerable consumers. This typically involves a contractor telling the consumer that they have to get a new roof, which the contractor claims will be covered by their homeowner's insurance, and promises to pay the deductible amount, which is actually built into the cost. The consumer is then pressured to immediately sign a binding contract for the full replacement cost. When an insurance adjuster later inspects the roof after the claim is filed and finds that there is only little or no damage, the adjuster is forced to either deny the claim or approve it for only the actual repair costs, which are far less than the contract price, leaving the consumer with no choice but to pay for goods and services that were not necessary. This measure protects consumers and is consistent with residential roofing repair consumer protection bills that have been in adopted in other states throughout the country.

Your Committee notes the concerns raised in the Roofing Contractor's Association of Hawaii testimony that additional safeguards should be put in place to prohibit any residential contractor, not just roofing contractors, from acting as a public adjuster. Accordingly, amendments to this measure are necessary to address these concerns.

Your Committee further notes the concerns raised in the public hearing on this measure that chapter 480, Hawaii Revised Statutes is perhaps better suited for the provisions of this measure, rather than chapter 444, Hawaii Revised Statutes. Your Committee also notes that the Contractors License Board testified that chapter 444, Hawaii Revised Statutes, is not the appropriate chapter to address unlicensed insurance adjusters. Your Committee finds these issues and concerns merit further consideration and requests that your Committee on Judiciary further examine these issues raised by the testifiers on this measure.

Your Committee has amended this measure by:

- (1) Inserting language that allows the Contractors License Board to revoke, suspend, or refuse to renew a license for a contractor that performs as a public adjuster, as defined in section 431:9-105, Hawaii Revised Statutes; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2422, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2422, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2844 Commerce, Consumer Protection, and Health on S.B. No. 2902

The purpose and intent of this measure is to:

- (1) Establish the offense of unlawful shipment of tobacco products;
- (2) Include e-liquid and electronic smoking devices within the definition of “tobacco products”, as used in the cigarette tax and tobacco tax law;
- (3) Increase the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products;
- (4) Increase the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products;
- (5) Fund health education and prevention programs about the risks and dangers of the use of electronic smoking devices for youth; and
- (6) Repeal various statutory provisions relating to electronic smoking devices.

Your Committee received testimony in support of this measure from the Department of Health; University of Hawai‘i System; Department of Taxation; American Cancer Society Cancer Action Network; Hawaii State Teachers Association; Hawai‘i Pacific Health; Coalition for a Drug-Free Hawaii; American Lung Association; Hawai‘i Community Foundation; Hui No Ke Ola Pono; Pediatric Therapies Hawaii; University of Hawaii Student Health Advisory Council; Hawaii Substance Abuse Coalition; Kaho‘omiki; The Friends of Kamalani and Lydgate Park; Blue Zones Project; Save Medicaid Hawaii; American Heart Association; Hawai‘i Primary Care Association; Hawai‘i Public Health Institute; We Are One, Inc.; and forty-two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Smokers Alliance and five individuals.

Your Committee finds that there is a serious nationwide concern over the use of electronic smoking devices because of the number of severe lung injuries being reported nationally. Specifically, there are more than two thousand cases of severe lung injury associated with electronic cigarette use and over forty deaths nationwide. Hawaii has had four reported cases of severe lung injury, with potentially more on the horizon. Of particular concern is the growing percentages of youth and young adults who are using electronic smoking devices.

Your Committee further finds that the rapid growth of the electronic smoking device industry, including retail businesses selling electronic smoking devices or e-liquids, necessitates further regulation to protect consumers, such as requiring retailers of e-liquids to obtain retail tobacco permits and taxing e-liquids and electronic smoking devices in the same manner as other tobacco products.

Your Committee has amended this measure by:

- (1) Clarifying that provisions related to the unlawful shipment of tobacco products applies to entities, in addition to persons;
- (2) Clarifying provisions related to certain tobacco products that are exempt from the unlawful shipment of tobacco products by removing a reference to section 245-62, Hawaii Revised Statutes;
- (3) Removing heated tobacco products from the definition of “electronic smoking device”;
- (4) Clarifying the definition of “tobacco products”;
- (5) Specifying that, beginning on July 1, 2020, \$750,000 collected from general excise tax revenues on tobacco products shall be deposited into the Hawaii Tobacco Prevention and Control Trust Fund to support health education and prevention programs about the risks and danger of the use of electronic smoking devices for youth;
- (6) Making conforming amendments; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2902, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2902, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2845 Commerce, Consumer Protection, and Health on S.B. No. 2985

The purpose and intent of this measure is to:

- (1) Provide immunity from civil liability in the absence of gross negligence to veterinarians who provide emergency care to an animal and who render emergency treatment when there is no veterinarian-client-patient relationship; and
- (2) Require veterinarians to report cases of animal injury, death, or abuse, under certain circumstances, to law enforcement.

Your Committee received testimony in support of this measure from the Hawaii Board of Veterinary Medicine, Hawaii Human Society, Hawaii Veterinary Medical Association, Animal Rights Hawaii, Animal Welfare Institute, Poi Dogs and Popoki, Maui Human Society, Pacific Pet Alliance, and twelve individuals.

Your Committee finds that existing law is silent in regard to protections against civil liabilities for veterinarians who provide emergency care to critically sick or injured animals. Veterinarians are mandated to provide care under a valid and current veterinary-

client-patient relationship, prohibiting them from providing care to an animal in an emergency due to fear of civil liability. Your Committee further finds that existing law does not address reporting requirements when a veterinarian suspects a case of animal abuse or cruelty. Requiring a veterinarian to report any cases of animal abuse or cruelty to an appropriate law enforcement agency will clarify any confliction a veterinarian may have regarding maintaining client confidentiality. This measure will encourage veterinarians to provide care to an injured or sick animal without fear of civil liability and protect veterinarians when they suspect a case of animal abuse or cruelty.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2985, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2985, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2846 Commerce, Consumer Protection, and Health on S.B. No. 2512

The purpose and intent of this measure is to:

- (1) Prohibit the owner of an animal, and the owner's employees, from performing any surgical procedure, including but not limited to surgical birth, ear cropping, tail docking, and debarking on the animal without being licensed as a veterinarian;
- (2) Make intentionally or knowingly performing any surgical procedure on a pet animal by any person not licensed as a veterinarian guilty of a class C felony; and
- (3) Specify that accepted veterinary practices and cropping or docking as customarily practiced, shall not be considered cruelty to animals in the first degree if performed by a licensed veterinarian.

Your Committee received testimony in support of this measure from the Hawaii Board of Veterinary Medicine, Maui Humane Society, Hawaiian Humane Society, Hawaii Veterinary Medical Association, Animal Rights Hawai'i, Animal Welfare Institute, Poi Dogs and Popoki, and twenty individuals. Your Committee received testimony in opposition to this measure from the American Kennel Club, Pacific Pet Alliance, and two individuals. Your Committee received comments on this measure from the Hawaii Cattlemen's Council and one individual.

Your Committee finds that there are serious dangers and health risks to animals when certain surgical procedures, like ear cropping or caesarian sections, are performed by individuals who have not received appropriate education and training. Veterinarians are often called upon to treat serious problems caused by these "backyard procedures" and many veterinarians feel obligated to help treat and heal animals that have been victimized by these procedures. However, some veterinarians often feel that by fixing these complications, they are unintentionally enabling the continued inappropriate practice of surgery by non-veterinarians. This measure imposes criminal penalties for non-licensed veterinarians who perform certain surgical procedures and helps to protect animals from harm and suffering that often results from such procedures being performed at substandard levels.

Your Committee has amended this measure by making technical, nonsubstantive amendments for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2512, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2512, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2847 Commerce, Consumer Protection, and Health on S.B. No. 3044

The purpose and intent of this measure is to clarify the offense of assault in the second degree of a health care security professional as a class C felony.

Your Committee received testimony in support of this measure from Adventist Health Castle, Hawai'i Primary Care Association, Healthcare Association of Hawaii, The Queen's Health Systems, Hawaii Pacific Health, Staub Medical Center, Hilo Medical Center, The Queen's Medical Center – West Oahu, Pali Momi Medical Center, Wilcox Medical Center, Kapi'olani Medical Center for Women and Children, Queen's North Hawai'i Community Hospital, and four individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that, unfortunately, violence against health care workers is not uncommon. According to the Occupational Safety and Health Administration, incidents of serious workplace violence are four times more common in health care than in private sectors. Health care security professionals provide the first line of defense in ensuring the safety of everyone at their respective facilities. By not granting health care security professionals the same legal protections that are afforded to the rest of the health care team, the risks they face and the work they do is inappropriately undervalued. This measure helps to rightfully recognize those risks that health care security professionals face at work each day and helps to establish parity for the protections of those working in health care.

Your Committee notes the concerns raised by the Office of the Public Defender that this measure is overly broad and should be more narrowly tailored. While your Committee finds that this measure is limited to protecting health care security professionals while they are engaged in the performance of their duties at a health care facility and does not offer a special category of protection while

generally out in public, your Committee requests that your Committee on Judiciary further examine the concerns raised by the Office of the Public Defender.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 2, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3044, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3044, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2848 Labor, Culture and the Arts on S.B. No. 2142

The purpose and intent of this measure is to extend the deadline by which the State and counties are required to furnish payroll and personnel transaction information to the Employees' Retirement System in an electronic format.

Your Committee received testimony in support of this measure from the Department of Accounting and General Services, Office of Enterprise Technology Services, Department of Budget and Fiscal Services City and County of Honolulu, Department of Personnel Services County of Maui, Department of Human Resources the County of Kaua'i, Department of Human Resources County of Hawai'i, Finance Department County of Hawai'i, and Department of Human Resources the County of Kaua'i. Your Committee received comments on this measure from the Employees' Retirement System.

Your Committee finds that the state departments and counties have been working cooperatively with the Employees' Retirement System staff towards compliance including working jointly with software vendors to resolve issues of non-compliance. Your Committee further recognize the challenges in meeting the necessary requirements for all parties.

Your Committee has amended this measure by changing the deadlines for the agencies to comply to July 1, 2023.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2142, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2142, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2849 Labor, Culture and the Arts on S.B. No. 2249

The purpose and intent of this measure is to make it a civil and administrative violation for any person to engage in certain archaeological activities without obtaining the required permission or approval from the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Society for Hawaiian Archaeology, Historic Hawai'i Foundation, and two individuals.

Your Committee finds that current historic preservation rules adopted by the Department of Land and Natural Resources have not been updated in more than fifteen years and the current historic preservation rules, in some respects, provide incomplete, ineffective, or inadequate guidance on historic preservation processes and protection for historic resources.

Your Committee has amended this measure by:

- (1) Incorporating language to further clarify the definition of civil and administrative violations suggested by the Department of Land and Natural Resources; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2249, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2249, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 2850 Labor, Culture and the Arts on S.B. No. 2313

The purpose and intent of this measure is to:

- (1) Prohibit an employer from requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault; and
- (2) Prohibit an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault occurring in connection with the workplace.

Your Committee received testimony in support of this measure from the Department of Human Services, Hawai'i State Commission on the Status of Women, Hawai'i Civil Rights Commission, American Association of University Women of Hawaii, Screen Actors Guild-American Federation of Television and Radio Artists, Hawaii Women's Coalition, Planned Parenthood Votes Northwest and Hawaii, and five individuals.

Your Committee finds that workplace sexual harassment takes a toll on the victim's physical and mental health. Your Committee also finds that workplace harassment causes workers to leave their job and disrupts career advancement. Workplace harassment and subsequent retaliation have a direct effect on an individual's ability to work and to be economically self-sufficient. Consequently, many victims do not report harassment for fear of retaliation.

Non-disclosure agreements and retaliation against employees for disclosing and discussing sexual harassment or sexual assault silences victims and allows serial harassers to escape accountability and workers are placed in vulnerable and precarious positions.

Your Committee has heard the concerns of the Hawai'i Civil Rights Commission regarding designated placement of the measure in chapter 378, Hawaii Revised Statutes.

Accordingly, your Committee has amended this measure by:

- (1) Placing the proposed new section in Part I of chapter 378 Hawaii Revised Statutes, to ensure that enforcement and remedies are available; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2313, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2313, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 2851 Labor, Culture and the Arts on S.B. No. 2796

The purpose and intent of this measure is to appropriate funds to establish a Kalaupapa Memorial to serve as a permanent commemoration of the people who were isolated on the peninsula of Kalaupapa, Molokai by government policies regarding leprosy, now also called Hansen's disease, beginning in 1866.

Your Committee received testimony in support of this measure from the Ka Ohana O Kalaupapa, Kohala Hawaiian Civic Club, IDEA Center for the Voices of Humanity, Kalaupapa Memorial Committee, and twenty-nine individuals. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that the story of the people who were sent to Kalaupapa, their sacrifices and experiences, and the resolve that developed to confront their physical and spiritual hardships is a significant part of the history of Hawaii. It is important to recognize and learn from the legacy of the people who endured the hardships of Kalaupapa and their treatment by the outside world. The Kalaupapa memorial will honor all of the people who were sent to Kalaupapa, and provide their families, the people of Hawaii, and visitors from around the world with a permanent place of remembrance, healing, and pride.

Your Committee has amended this measure by:

- (1) Making a blank appropriation to the Department of Labor and Industrial Relations, Office of Community Services;
- (2) Changing the effective date to January 1, 2051, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2796, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2796, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 2852 (Joint) Labor, Culture and the Arts and Judiciary on S.B. No. 2641

The purpose and intent of this measure is to adjust the method of calculating average weekly wages for workers' compensation claims.

Your Committees received testimony in support of this measure from the International Longshore and Warehouse Union, Local 142; Hawaii Iron Workers Stabilization Fund; and Pride at Work Hawaii. Your Committees received testimony in opposition to this measure from the Department of Labor and Industrial Relations and Hawaii Insurers Council. Your Committees received comments on this measure from a member of the Chamber of Commerce.

Your Committees find that existing law provides in part, that the injured employee's average weekly wages are computed based on the employee's employment pattern and the duration of the employee's disability, and the injured employee's average weekly wages from all covered employment at the time of personal injury.

Your Committees find that removing the limitation on the compensation calculation that is currently set to the time of injury allows for adjustment to comparable salary and hourly rates at the time of treatment or determination of award, which may be months if not years later.

However, your Committees have heard concerns of the Department of Labor and Industrial Relations and the Hawaii Insurers Council that this measure, as drafted, would remove an important marker. In all cases, the "time of injury" is the marker used to determine the employee's average weekly wages no matter what the worker's payroll scenario is. By removing the marker, the average weekly wage could possibly be based upon wages earned on covered employment at "any time" in the employee's work history. To then order the employer to pay benefits based upon wages not earned or paid by that employer at the time of the injury is not

reasonable. Insurers will need to estimate the going-forward costs and receive approval from the Insurance Division for increased rates to cover those costs. This increases uncertainty in the market and increases costs to employers, self-insureds and insurers.

Therefore, your Committees have amended this measure by:

- (1) Inserting an effective date of July 1, 2051, to encourage further discussion;
- (2) Inserting a savings clause; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2641, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2641, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Chang, Ihara).

Judiciary: Ayes, 5. Noes, none. Excused, none.

SCRep. 2853 Labor, Culture and the Arts on S.B. No. 2370

The purpose and intent of this measure is to designate January as “Kalaupapa Month” to serve as an annual reminder about the importance of Kalaupapa and the significant contributions made by its people throughout the history of Hawaii.

Your Committee received testimony in support of this measure from the Department of Health, Ka ‘Ohana O Kalaupapa, Hawai‘i Conference of the United Church of Christ, IDEA Center for the Voices of Humanity, Sisters of St. Francis, and fifteen individuals.

Your Committee finds that in 1865, Hawaii passed “An Act to Prevent the Spread of Leprosy”, which required the isolation of leprosy patients. Accordingly, the State bought eight hundred acres of land on the Kalaupapa peninsula of Moloka‘i. On January 6, 1866, twelve citizens of Hawaii arrived at Kalaupapa, the first of an estimated eight thousand people who were taken from their families and forced into isolation.

Your Committee additionally finds that two key individuals who committed their lives to serving those affected by leprosy also share significant dates in the month of January, Jozef De Veuster born January 3, 1840, commonly known as Father Damien, and Barbara Koob, who eventually became known as Mother Marianne Cope, born January 23, 1838.

Your Committee further finds that the people of Kalaupapa today are viewed not only as valuable members of society, but as some of Hawaii’s finest citizens who have overcome the most difficult of circumstances. Mercy Hutchison Bacon, great niece of Kalaupapa leader Ambrose Hutchison, called the people of Kalaupapa “the pride of a nation.” Therefore, your Committee also finds that in recognition of the sacrifices of many individuals made during those difficult times and the legacy that endures as an important part of Hawaii’s history, designation of the month January as “Kalaupapa Month” would be of great significance to the people of Hawaii.

Your Committee has amended this measure by:

- (1) Changing the effective date to January 1, 2051, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2370, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2370, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 2854 Commerce, Consumer Protection, and Health on S.B. No. 2983

The purpose and intent of this measure is to appropriate \$500,000 to the Department of Health in coordination with the John A. Burns School of Medicine of the University of Hawaii at Manoa for the health care provider loan repayment program, provided that the funds are matched on a dollar-for-dollar basis by a private or another public source.

Your Committee received testimony in support of this measure from the Department of Health; Department of Labor and Industrial Relations; Office of the Mayor for the County of Hawai‘i; United Public Workers, AFSCME, Local 646, AFL-CIO; Hawaii Medical Service Association; University of Hawai‘i System; Hawai‘i State Center for Nursing; The Queen’s Health Systems; Hawaii-American Nurses Association; Healthcare Association of Hawaii; Hawai‘i Pacific Health; Hawai‘i Psychological Association; Lāna‘i Community Health Center; Hawaii State Rural Health Association; Hilo Medical Center Foundation; and twenty-three individuals.

Your Committee finds that about eighty-six percent of students that complete medical school and residency training in Hawaii, stay to practice within our islands. However, high student loan payments, along with the higher cost of living and other expenses in Hawaii, result in fewer physicians choosing to practice in our State, especially in its underserved and rural areas. Your Committee recognizes that having loan repayment options tied to commitments to service in underserved areas has reduced the physician shortages there.

Your Committee further finds that a loan repayment program, such as the Hawaii State Loan Repayment Program, administered by the John A. Burns School of Medicine, is also one of the fastest and least expensive methods for recruiting medical professionals. Your Committee notes that the Legislature appropriated \$150,000 to fund the Hawaii State Loan Repayment Program in 2019. According to testimony received by your Committee, over forty percent of the physicians in the Hawaii State Loan Repayment Program are still practicing in underserved areas of the State and over sixty percent are still practicing within our islands. In addition, this program has:

- (1) Encouraged a local hospital to create their own loan repayment program;
- (2) Inspired the creation of a locally funded, non-federal solo and small practice loan repayment program for physicians of for-profit providers in rural areas; and
- (3) Helped create a system for scholarships with a commitment of service in Hawaii.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2983 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 2855 (Joint) Higher Education and Government Operations on S.B. No. 2576

The purpose and intent of this measure is to:

- (1) Specify exemptions for the University of Hawaii from sections 87A-39 and 88-125, Hawaii Revised Statutes;
- (2) Codify in statute the cost-sharing agreement between the University of Hawaii and the Department of Budget and Finance; and
- (3) Require annual reporting by the Department of Budget and Finance.

Your Committees received comments on this measure from the Department of Budget and Finance, Department of Accounting and General Services, and University of Hawai'i System.

Your Committees find that "S397" refers to a practice whereby General Fund authorized positions at the University that have insufficient General Funds appropriated to pay their salaries, can instead have the salaries paid for in part or in whole from the Tuition and Fees Special Fund, while the fringe costs continue to be paid by the General Fund. This cost-sharing agreement has been utilized by the Department of Budget and Finance, Department of Accounting and General Services, and University for the last fifteen years but without any formal authorization to do such a practice.

While this practice may have had made sense when it originated fifteen years ago during an economic downturn, it bears further scrutiny at the present time. This legislative oversight is appropriate considering that, according to budget data provided by the Department of Budget and Finance for fiscal years 2014 to 2019, the cumulative salary costs paid out of the Tuition and Fees Special Fund continue to decrease while the cumulative fringe costs paid by General Funds continue to increase. Your Committees are cognizant of the fact that fringe costs can change due to a wide variety of factors.

In fiscal year 2019-2020, the University of Hawaii utilized the S397 practice with approximately 1,215 positions. As a part of this enhanced legislative oversight called for in the reporting provisions of this measure, your Committees require that the University, using fiscal year 2019-2020 as the salary cap start date, with fringe costs determining wages, shall report to the Legislature annually on all S397 positions authorized in the Budget Justification Details of the respective Appropriations Act or Supplemental Appropriations Act, with these positions and descriptions to remain the same. Your Committees anticipate that these reporting requirements will enhance fiscal prudence and encourage the efficient use of funds in the operations of the university. This salary cap can also be changed by passage of a concurrent resolution, if necessary.

Your Committees have amended this measure by:

- (1) Deleting a statutory definition of the S397 account;
- (2) Replacing language that:
 - (A) Specifies exemptions for the University of Hawaii from sections 87A-39 and 88-125, Hawaii Revised Statutes;
 - (B) Codifies in statute the cost-sharing agreement between the University of Hawaii and the Department of Budget and Finance; and
 - (C) Mandates reporting of various items; and
- (3) Providing that the salary costs shall be capped at an unspecified amount and that this salary cap shall be adjusted by passage of a concurrent resolution.

As affirmed by the records of votes of the members of your Committees on Higher Education and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2576, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2576, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair and President on behalf of the Committees.
Higher Education: Ayes, 5. Noes, none. Excused, none.
Government Operations: Ayes, 4. Noes, none. Excused, 1 (Inouye).

SCRep. 2856 Labor, Culture and the Arts on S.B. No. 2253

The purpose and intent of this measure is to:

- (1) Conform statutory prohibitions against wage discrimination with other prohibitions on employment discrimination;
- (2) Clarify allowable justifications for compensation differentials and remedies for pay disparity; and
- (3) Require employers to disclose wage ranges to employees and prospective employees.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, Hawai'i Civil Rights Commission, American Association of University Women of Hawaii, Hawaii Women's Coalition, Hawaii Appleseed Center for Law and Economic Justice, Breastfeeding Hawaii, Planned Parenthood Votes Northwest and Hawaii, LGBT Caucus of the Democratic Party of Hawaii, ILWU Local 142, and four individuals. Your Committee received testimony in opposition to this measure from the Island Plastic Bags, Inc.; Chamber of Commerce Hawaii; Maui Chamber of Commerce; and one individual. Your Committee received comments on this measure from Hawai'i Pacific Health, Hawaii Food Industry Association, and The Queen's Health Systems.

Your Committee continues its commitment to ensuring that women and men are paid equally for work that is substantially equal with respect to the skill, effort, and responsibility required to perform the work and the conditions under which the work is performed. Similarly, your Committee proudly notes that Hawaii has led the way on many civil rights issues and that this measure is consistent with those achievements.

Your Committee finds that this measure proposes to establish Hawaii as a leader in the area of pay equity and clarify that Hawaii's law is protective of pay equity rights.

Your Committee has amended this measure by changing its effective date to July 1, 2050, to encourage further discussion; and making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2253, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2253, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2857 Labor, Culture and the Arts on S.B. No. 2402

The purpose and intent of this measure is to require the Employees' Retirement System to comply with a court decree for the forfeiture of all of any portion of the retirement benefits if a member is convicted of a felony that the court finds to be related to the employment of the member. The compliance by the retirement system would continue until the retirement system receives another court decree that orders resumption of the retirement payments, or until the death of the retiree, at which time the retiree's designated beneficiary would be entitled to receive the retirement benefits of the deceased retiree.

Your Committee received testimony in support of this measure from the Common Cause Hawaii, Americans for Democratic Action, and six individuals. Your Committee received comments on this measure from the Employees' Retirement System.

Your Committee notes that the Employees Retirement System understands the purpose of the measure, but that the Board of Trustees of the Employee Retirement System has not yet reviewed the measure.

Your Committee has strong constitutional concerns with the effect and application of article XVI, section 2 of the Constitution of the State of Hawaii as it may relate to this measure and with the effect of the measure on the beneficiaries who are related to the retiree and who would be dependent on the retirement benefits to be forfeited. Notwithstanding your Committee's constitutional concern, your Committee believes that imposing a civil penalty against a person who commits a felony by using the person's position of authority in government in which the felony is directly related to the person's responsibility and duties is worthy of further discussion. Your Committee finds merit in passing this measure to encourage further discussion.

Your Committee, having concerns of the effect of the forfeiture of retirement benefits on the beneficiaries of the retiree, has amended the measure to allow a court to order the forfeiture of one-half of the retiree's benefits and to allow the designated beneficiaries to receive one-half of the benefits after the death of the retiree who had committed the felony.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2402, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2402, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2858 Labor, Culture and the Arts on S.B. No. 2490

The purpose and intent of this measure is to establish a task force that will:

- (1) Select a research entity to draft an implementation plan to create a Hawaii retirement savings program for private sector employees utilizing information from other state experiences and educational institutions with expertise on existing programs; and
- (2) Report to the Legislature with its findings and proposals including legislation to authorize implementation of the plan, if necessary, by January 2021.

Your Committee received testimony in support of this measure from the Policy Advisory Board for Elder Affairs, AARP Hawaii, Maui Chamber of Commerce, Hawaii Appleseed Center for Law and Economic Justice, Hawaii Family Caregiver Coalition, Hawaiian Cool Water, Priam's Automotive Service & Repair, Burgers on Bishop, 3 Financial Group LLC, Gochi Grill on Bishop Street, Art Nelson Sailmaker/Ullman Sails, and seven individuals. Your Committee received testimony in opposition to this measure from the National Association of Insurance and Financial Advisors Hawaii and American Council of Life Insurers. Your Committee received comments on this measure from the Department of Budget and Finance, State Procurement Office, and Hawaii Bankers Association.

Your Committee finds that there is an imminent retirement security crisis in the State, as many individuals do not have access to an employer-sponsored retirement plan. Your Committee further finds that individuals need a lifelong savings strategy that provides them

with the opportunity to build their assets and attain financial stability for the long run. Access by private sector employees to employer-sponsored retirement plans provides a reliable way to accumulate savings needed for a secure retirement, but many small businesses are unable to provide a mechanism for their employees to invest.

Your Committee has amended this measure by replacing language in section 2 of the bill to align more closely with the purpose section of the measure.

Your Committee received testimony recommending that the Director of Taxation, or the Director's designee, be added as a member of the Hawaii Retirement Security Task Force. Your Committee finds that this recommendation warrants further consideration by the Committee on Ways and Means as this measure proceeds through the legislative process.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2490, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2490, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2859 Labor, Culture and the Arts on S.B. No. 2493

The purpose and intent of this measure is to amend the definition "employee beneficiary" to retain beneficiary status for unmarried adult children incapable of self-support after the death of a retired member.

Your Committee received testimony in support of this measure from two individuals. Your Committee received comments on this measure from the Hawaii Employer-Union Health Benefits Trust Fund.

Your Committee finds that there is no survivor benefit coverage in the health benefits plan or long-term care for the disabled adult child of an employee who has dedicated their life to public service. Therefore, under current law, disabled adult children lose their health benefits upon the death of the retired member. Your Committee further finds that currently there are 403 such dependents on the Hawaii Employer-Union Health Benefits Trust Fund health plans incapable of self-support because of a mental or physical incapacity.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2493, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2493, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2860 Labor, Culture and the Arts on S.B. No. 2906

The purpose and intent of this measure is to update various assessments and penalties under the jurisdiction of the Department of Labor and Industrial Relations by revising the monetary assessments to account for inflation.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations, Hawaii Regional Council of Carpenters, and one individual.

Your Committee finds that the penalties in this measure have not, for the most part, been raised since enactment of the establishing statutes, and otherwise at no time in the recent past. According to the Bureau of Labor Statistics, the equivalent of many of the penalties with inflation were often double the current statutorily set amount. As such, your Committee also finds, these penalties have lost their deterrent effect. Adjusting the penalties to keep pace with the cost of living demonstrates the State's investment in workers as well as its support for sustaining responsible employers who follow the labor laws.

Your Committee has amended this measure by deleting statutory language for clarity, consistency and conformity.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2906, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2906, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2861 Labor, Culture and the Arts on S.B. No. 2867

The purpose and intent of this measure is to amend the definition of compensation for retirement benefits.

Your Committee received testimony in support of this measure from the Department of Budget and Finance and Employees' Retirement System. Your Committee received testimony in opposition to this measure from the Hawaii Government Employees Association, AFSCME Local 152.

Your Committee finds that this measure is necessary to clarify the definition of compensation eligible for the purposes of calculating retirement benefits. This clarification will ensure that retirement benefits are computed fairly and equitably for all public employees and to facilitate employer reporting of compensation on a consistent and timely basis.

Your Committee has heard the testimony of the Employees' Retirement System regarding clarification of the definition of compensation and Hawaii Government Employees Association relating to shortage differentials. Your Committee finds that the testimony raised concerns that merit further consideration.

Your Committee has amended this measure by:

- (1) Incorporating amendments requested by the Hawaii Government Employees Association relating to “shortage differentials”;
- (2) Incorporating amendments relating to clarification of “base compensation rate” as addressed by the Employees’ Retirement System;
- (3) Changing its effective date to July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2867, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2867, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2862 Labor, Culture and the Arts on S.B. No. 2870

The purpose and intent of this measure is to clarify the requirements of service-connected disability retirement and accidental death benefits of the Employees’ Retirement System.

Your Committee received testimony in support of this measure from the Department of Budget and Finance and Employees’ Retirement System.

Your Committee finds that courts in several cases recently rendered rulings awarding Employees’ Retirement System service-connected disability retirement and/or accidental death benefits in situations beyond the legislature’s original intent. These rulings have required the Employees’ Retirement System to provide service-connected disability retirement and/or accidental death benefits in amounts not contemplated when the ERS determined employer contributions, employee contributions, and employee benefits (including monthly retirement allowance benefits to be provided for an extended duration and at a higher rate, plus the refund of employee contributions), and consequently, the State’s unfunded liability increased more than expected.

Furthermore, your Committee finds that Employees’ Retirement System members are not foreclosed from collecting other benefits such as Employees’ Retirement System service retirement, ordinary disability retirement, ordinary death, workers’ compensation, or social security disability.

Your Committee respectfully notes that in “the spirit of the time” there is continued commitment of being responsible for our workers. Accordingly, your Committee has amended this measure by:

- (1) Clarifying the proximate result of an accident occurring “at a definite and exact time and place”, in sections 88-79 and 88-336, Hawaii Revised Statutes;
- (2) Removing proposed language for holistic non-substantive changes;
- (3) Changing the effective date to January 1, 2051, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2870, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2870, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2863 Labor, Culture and the Arts on S.B. No. 3073

The purpose and intent of this measure is to appropriate funds for programs, ceremonies, and activities commemorating the 75th anniversary of the end of World War II.

Your Committee received testimony in support of this measure from the Hawaii Tourism Authority and Chamber of Commerce Hawaii.

Your Committee finds that events including Japan’s 1941 surprise attack on Pearl Harbor sparked World War II, and Hawaii played a major role both geographically and in terms of troop contribution. The war resulted in extensive loss of life and suffering and was finally brought to an end after six years. Your Committee further finds that this year, 2020, marks the seventy-fifth anniversary of the end of the war. The State will be commemorating this event with ceremonies and activities to honor the sacrifices of all who served in the war and to remember and reflect upon the lives lost. This measure seeks to fund this important events.

Your Committee has amended this measure by:

- (1) Changing the effective date to January 1, 2051, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3073, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3073, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 2864 Labor, Culture and the Arts on S.B. No. 3096

The purpose and intent of this measure is to reestablish Lā Kū'oko'a, Hawaiian Recognition Day, as an official state holiday.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Ka Lei Pāpahi 'O Kākuhihewa, Beneficiary Trust Council, Association of Hawaiian Civic Clubs, Hawaiian Affairs Caucus, Prince Kūhiō Hawaiian Civic Club, Ka Lāhui Hawai'i Political Action Committee, and two individuals. Your Committee received comments on this measure from the Hawaii Government Employees Association.

Your Committee finds that in 1847, Kamehameha III required his Minister of Foreign Affairs, Robert Crichton Wyllie, to determine a fitting way to recognize and celebrate the anniversary of Hawaii's welcome, as an independent nation, into the family of nations. On October 15, 1847, Wyllie delivered his report by Privy Council to the King and ministers and marked the first official celebration of Hawaiian Recognition Day. Lā Kū'oko'a, a source of pride in Hawaii that in recent years has garnered a newfound energy in its celebration.

Your Committee further finds that Hawaii's special heritage and the various holidays currently celebrated distinguish us from other states and Lā Kū'oko'a merits additional consideration as a unique Hawaiian holiday.

Your Committee has amended this measure by:

- (1) Establishing Lā Kū'oko'a as a state holiday on the fourth Friday of November;
- (2) Changing the effective date to July 1, 2051, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3096, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3096, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 2865 Education on S.B. No. 2487

The purpose and intent of this measure is to:

- (1) Exempt Department of Education expenditures for the operation of school commercial enterprises from Hawaii laws pertaining to public officers and employees, public service, collective bargaining in public employment, the expenditure of public money and public contracts, and the Hawaii Public Procurement Code;
- (2) Allow the Department of Education to transfer the net profits generated from for school commercial enterprises to other departmental funds; and
- (3) Classify student interns as employees of the State when acting for an agency under the State Tort Liability Act.

Your Committee received testimony in support of this measure from the Department of Education. Your Committee received comments on this measure from the State Procurement Office.

Your Committee finds that this measure will enhance the rigor and relevance of work-based learning as students engage in comprehensive, real-world immersive experiences, particularly in the areas of entrepreneurship and strategic commercial enterprise. For purposes of clarification, your Committee notes that the procurement exemption only applies to cooperative agreements between the Department of Education and private sector partners.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2487, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2487, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2866 (Joint) Housing and Water and Land on S.B. No. 2946

The purpose and intent of this measure is to take steps towards ending the housing crisis in Hawaii by establishing the ALOHA homes program to develop low-cost homes on state-owned and county-owned land in urban redevelopment sites to be sold in leasehold by the Hawaii Housing Finance and Development Corporation to qualified residents.

Your Committees received testimony in support of this measure from the Maui Chamber of Commerce; Faith Action for Community Equity; The Church of the Crossroads; Catholic Charities Hawaii; Homestead Community Development Corporation; Young Progressives Demanding Action; Building Industry Association Hawaii; Environmental Caucus of the Democratic Party of Hawai'i; Imua Alliance; and seven individuals. Your Committees received testimony in opposition to this measure from Ka Lāhui Hawai'i and six individuals. Your Committees received comments on this measure from the Office of the Attorney General; Department of Land and Natural Resources; Office of Hawaiian Affairs; Department of Budget and Finance; Hawaii Housing Finance and Development Corporation; Department of Planning and Permitting City and County of Honolulu; Chamber of Commerce Hawaii; Hawaiian Community Assets, Inc.; and Hawai'i Community Lending, Inc.

Your Committees find that the cost and availability of housing in the State are significant challenges facing Hawaii residents. Because of the many barriers hindering the production of new housing, such as geographic limitations, lack of major infrastructure, construction costs, and government regulation, the State and housing developers have not been able to produce enough housing for Hawaii residents. The Legislature has responded through the passage of various measures and the governor has issued an emergency proclamation on the State's homelessness crisis. Despite these efforts, the amount of new construction of housing, especially for low- to middle-income families, continues to be inadequate as the supply of housing remains constrained while demand for housing increases.

Your Committees further find that with Honolulu's construction of an elevated rail transit system, the State has an opportunity to enhance Oahu's urban environment and increase the quality of life for residents by increasing the affordable housing inventory and eliminating the need for personal automobiles, among other public benefits. As the largest landowner of properties along the transit line, with approximately two thousand acres under the jurisdiction of various departments, the State must be proactive in establishing a unified vision and approach toward redevelopment of its properties to maximize the benefits of state lands available for redevelopment. This measure aims to end the housing shortage in Hawaii by:

- (1) Establishing the ALOHA homes program to facilitate the creation of low-cost leasehold homes for sale to Hawaii residents on state-owned land near public transit stations;
- (2) Authorizing the Hawaii Housing Finance and Development Corporation to sell the leasehold interest in residential condominium units located on state lands for lease terms of ninety-nine years; and
- (3) Developing an ALOHA homes demonstration project by July 1, 2025.

Your Committees notes the testimony of the Department of Land and Natural Resources, recommending that when the Hawaii Housing Finance and Development Corporation no longer needs land for the ALOHA homes program lands that were acquired from another state agency should be returned to the granting state agency. Additionally, your Committees note the testimony of the Office of Hawaiian Affairs, who testified that amendments be made to protect state-owned lands against inappropriate alienation and to reflect the interest of the beneficiaries of the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands.

Accordingly, your Committees have amended this measure by:

- (1) Amending the provision to clarify that lands acquired by the Hawaii Housing Finance and Development Corporation from another government agency, should be returned to that agency, provided the lands are no longer needed for the ALOHA homes program;
- (2) Amending section 171-64.7(a)(4) to contain parallel language to the proposed amendments to section 171-2; and
- (3) Adding a provision that mandates the Hawaii Housing Finance and Development Corporation to transfer a certain number of ALOHA homes units with residential projects to the Department of Hawaiian Home Lands or the Office of Hawaiian Affairs, the number of which will be determined by rules established under chapter 91, Hawaii Revised Statutes.

As affirmed by the records of votes of the members of your Committees on Housing and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2946, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2946, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair and President on behalf of the Committees.

Housing: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Water and Land: Ayes, 5. Noes, none. Excused, none.

SCRep. 2867 (Joint) Housing and Water and Land on S.B. No. 2210

The purpose and intent of this measure is to promote the development of affordable housing around rail transit stations by authorizing the Hawaii Housing Finance and Development Corporation the right of first refusal for the development of property for all development on state lands that are within a one-half mile radius of a rail transit station.

Your Committees received testimony in support of this measure from one individual. Your Committees received comments on this measure from the Hawaii Housing Finance and Development Corporation, Stadium Authority, Hawaii Public Housing Authority, and Department of Hawaiian Home Lands.

Your Committees find that the cost and availability of housing in the State are significant challenges facing Hawaii residents. Despite efforts from the Legislature and Governor, the amount of new construction of housing, especially for low- to middle-income families, continues to be inadequate as the supply of housing remains constrained while demand for housing increases. Your Committees find that this lack of supply leads to higher housing prices and rents for households of all income levels, leaving all tenants with less disposable income, increasing the personal stress on buyers and renters, and exacerbating overcrowding and homelessness. Given these consequences, the lack of affordable housing requires the concentrated attention of state government at the highest level.

Your Committees further find that with Honolulu's construction of an elevated rail transit system, the State has an opportunity to enhance Oahu's urban environment and increase the quality of life for residents by increasing the affordable housing inventory and eliminating the need for personal automobiles, among other public benefits. As the largest landowner of properties along the transit line, with approximately two thousand acres under the jurisdiction of various departments, the State must be proactive in establishing a unified vision and approach toward redevelopment of its properties to maximize the benefits of state lands available for redevelopment. This measure promotes the development of affordable housing around rail transit stations by authorizing the Hawaii Housing Finance and Development Corporation the right of first refusal for the development of property for all development on state lands that are within a one-half mile radius of a rail transit station.

Your Committees further find that Hawaii Housing Finance and Development Corporation's right of first refusal should be triggered whenever there is a transfer of any property interest, including leasehold interest, in lands within one-half mile radius of a rail transit

station. Your Committees further find that this right of first refusal should not apply to lands or properties owned by the Hawaii Public Housing Authority or the Department of Hawaiian Home Lands.

Your Committees have amended this measure by:

- (1) Adding a provision that designates the transfer of any property interest, including leasehold interest, in lands within one-half mile radius of a rail transit station, as the event that triggers the Hawaii Housing Finance and Development Corporation's right of first refusal;
- (2) Adding a provision that excludes lands and properties owned or operated by the Hawaii Public Housing Authority and the Department of Hawaiian Home Lands from the right of first refusal; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Housing and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2210, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2210, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair and President on behalf of the Committees.

Housing: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Water and Land: Ayes, 5. Noes, none. Excused, none.

SCRep. 2868 (Joint) Housing and Education on S.B. No. 2616

The purpose and intent of this measure is to promote affordable housing by exempting affordable housing units, additions to existing dwelling units, accessory dwelling units, ohana dwelling units, and affordable housing projects developed by the Hawaii Public Housing Authority from fifty per cent of school impact fee requirements.

Your Committees received testimony in support of this measure from the Hawaii Public Housing Authority. Your Committee received testimony in opposition to this measure from the Chamber of Commerce Hawaii and Building Industry Association Hawaii. Your Committees received comments on this measure from the Department of Education.

Your Committees find that the Hawaii Public Housing Authority's mission is to promote adequate and affordable housing in perpetuity, economic opportunity, and a suitable living environment free from discrimination through its public housing and rental assistance programs. The Hawaii Public Housing Authority serves the State's most vulnerable populations, including those earning less than thirty percent of the Area Median Income, the disabled, and the elderly. Your Committees additionally find that the Hawaii Public Housing Authority enters into public private partnerships in order develop affordable housing. Your Committees find that the school impact fees increase the cost of redevelopment, which in turn increases the developer fee. This measure helps reduce the total cost of developing affordable housing by exempting certain housing projects developed by the Hawaii Public Housing Authority from fifty per cent of school impact fee requirements.

Your Committees have amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Housing and Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2616, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2616, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Housing: Ayes, 4. Noes, none. Excused, 1 (Thielen).

Education: Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Kim).

SCRep. 2869 Housing on S.B. No. 2661

The purpose and intent of this measure is to increase affordable housing in the State by requiring the counties to be proactive in planning for new housing at all price points to meet anticipated demand.

Your Committee received testimony in support of this measure from the Building Industry Association of Hawaii, Chamber of Commerce Hawaii, and one individual. Your Committee received testimony in opposition to this measure from the Office of the Mayor, Hawaii County. Your Committee received comments on this measure from the Maui Chamber of Commerce and Young Progressives Demanding Action.

Your Committee finds that there is a severe shortage of affordable housing in Hawaii, and the shortage places an immense strain on lower-income households. As several government studies have concluded that the State does not have and is not producing enough new housing units to meet normal population growth projections to 2025, it is critical for the counties to also take initiative to increase the production of housing to meet the anticipated housing demands in their respective jurisdictions. This measure requires each county to prepare a housing supply plan to plan for projected increases in the State's housing supply to meet housing demands of the respective counties, identify and analyze existing and projected housing needs for all income levels, and identify adequate sites for housing, including rental housing.

Your Committee notes that the current definition of "housing demand", defined as the number of births minus number of deaths, divided by two, falls short of the actual housing demand in Hawaii. Your Committee acknowledges the testimony of the Office of the Mayor for the County of Hawaii and the Maui Chamber of Commerce, who commented that the study required by this measure will incur a large expense. Accordingly, your Committee has amended this measure by:

- (1) Requiring the counties to define the housing demand within their respective jurisdictions and account for the current shortage of housing in the State;

- (2) Appropriating funds for the counties to conduct the study required by this Act; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2661, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2661, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2870 Housing on S.B. No. 2852

The purpose and intent of this measure is to promote affordable housing in the State by increasing the authorization ceiling amount of the Housing Loan and Mortgage Program, popularly known as the Hula Mae Multifamily Revenue Bond, for the continued financing of statewide affordable rental housing.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation; Department of Business, Economic Development and Tourism; Building Industry Association Hawaii; Chamber of Commerce Hawaii; and EAH Housing.

Your Committee finds that the affordable housing crisis continues to be one of the State's most significant and challenging social problems and is a critical issue for many Hawaii residents. The Hula Mae Multifamily Bond Program promotes the development of new or the acquisition and rehabilitation of existing rental housing projects through the issuance of mortgage revenue bonds for interim and permanent financing at rates below conventional market interest rates. Your Committee received testimony from the Hawaii Housing Finance and Development Corporation who stated that as of December 31, 2019, Hula Mae Multifamily bonds have assisted in financing the development or acquisition and rehabilitation of forty-four projects totaling 5,449 affordable rental units statewide. An additional eleven projects, totaling an additional 1,392 units, are in the planning phase and are pending the issuance of approximately \$345,910,271 in bonds. However, the Hawaii Housing Finance and Development Corporation only has \$221,858,518 in uncommitted Hula Mae Multifamily bond authority remaining. This measure will allow the Hawaii Housing Finance and Development Corporation to move forward with affordable housing development by raising the ceiling to \$2,500,000,000.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2852, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2852, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2871 Housing on S.B. No. 3138

The purpose and intent of this measure is to encourage the development of affordable housing by removing the limit on costs eligible for exemption from general excise tax for development costs of affordable rental housing certified by the Hawaii Housing Finance and Development Corporation.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, Hawaii Regional Council of Carpenters; Pacific Resource Partnership; and Schatz Collaborative, LLC. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that under current law, projects certified by the Hawaii Housing Finance and Development Corporation under section 201H-36(a)(5), Hawaii Revised Statutes, are granted general excise tax exemptions limited to contracting costs only. This measure would expand the exemption to cover all costs included in the source provision at section 237-29, Hawaii Revised Statutes, which would include financing, sales, and leasing costs.

Your Committee notes the testimonies of the Hawaii Regional Council of Carpenters and Pacific Resource Partnership who state that this measure will enable Act 54, Session Laws of Hawaii 2017, as amended by Act 39, Session Laws of Hawaii 2018, to be used in combination with county level incentives such as City and County of Honolulu Ordinance 18-01, which provides fee and property tax waivers for creating affordable units.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3138, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3138, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2872 Labor, Culture and the Arts on S.B. No. 2543

The purpose and intent of this measure is to:

- (1) Prohibit an employer from discriminating against a person in hiring, termination, or condition of employment based on the person's status as a medical cannabis cardholder, under certain conditions; and

- (2) Specify that an employer may use a fit for duty test for medical cannabis users in potentially dangerous occupations.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Community Alliance on Prisons, Hawai'i Cannabis Industry Association, Drug Policy Forum of Hawai'i, and three individuals. Your Committee received testimony in opposition to this measure from the Department of Transportation, County of Hawai'i Police Department, Matson, The Queen's Health Systems, Hawaiian Electric, Hawaii Employment, Maui Chamber of Commerce, and Chamber of Commerce Hawaii. Your Committee received comments on this measure from the Department of Health; Department of Public Safety; Department of Human Resources, City and County of Honolulu; Maui Police Department; Hawaii Transportation Association; and Hawai'i Pacific Health.

Your Committee finds that the conflict between state and federal medical cannabis laws causes confusion for employers, who are unsure whether state medical cannabis laws supersede their power to enforce drug-free workplace policies against employees. Courts consistently rule in favor of employers when medical cannabis users challenge drug-free workplace policies, but they have not foreclosed the possibility that state medical cannabis laws could protect employees. Tools like fit for duty tests are even available for employers to manage workplace risk in potentially dangerous occupations. Nevertheless, without explicit statutory guidance, the courts will not recognize these rights. Therefore, Hawai'i's medical cannabis laws should clearly address the scope of accommodation that employers must provide to medical cannabis users.

Your Committee has heard the concerns in testimony regarding ambiguous language. Accordingly, your Committee has amended this measure by:

- (1) Clarifying that employers who would lose monetary benefits under a contract would be exempt;
- (2) Specifying that employers can consider a positive drug test where a worker is impaired during hours of employment or in a "potentially dangerous occupation";
- (3) Clarifying that "potentially dangerous occupations" include "law enforcement officers and correction facility employees"; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2543, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2543, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 2873 (Joint) Labor, Culture and the Arts and Water and Land on S.B. No. 2076

The purpose and intent of this measure is to:

- (1) Amend section 6E-42, Hawaii Revised Statutes, to authorize the Department of Land and Natural Resources to delegate permit reviews under section 6E-42, Hawaii Revised Statutes, to the impacted county that has adopted ordinances that govern the county's permit review in a manner consistent with section 6E-42, Hawaii Revised Statutes, and the relevant administrative rules, as certified by the Department of Land and Natural Resources; and
- (2) Authorize the Department of Land and Natural Resources to establish a program to certify individuals or organizations to conduct third-party reviews to ensure that submissions to the Department of Land and Natural Resources for review under section 6E-42, Hawaii Revised Statutes, are complete and meet the requirements of governing regulations.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, a member of the Maui County Council, and the Maui Chamber of Commerce. Your Committees received testimony in opposition to this measure from Honua Consulting. Your Committees received comments on this measure from the Office of Hawaiian Affairs and the Society for Hawaiian Archaeology.

Your Committees find that due to the current demands for new housing construction, increases in development of commercial properties and the need for added infrastructure to support the construction and developments, there is an unacceptable large backlog of proposed projects that require review and comment by the Department of Land and Natural Resources as to the effect of the proposed project on historic properties, aviation artifacts, or burial sites, including those properties listed in the register of historic places, before the State or any of the counties can approve of the project, or issue permits, licenses certificates, land use change, subdivision or other entitlements for use. This measure is intended to provide the Department of Land and Natural Resources a means of reducing the backlog, by authorizing the department to use the counties to assist in performing the task of reviewing the proposed projects in the same way as is statutorily required of the Department of Land and Natural Resources and for the same purpose of protecting the historic properties, aviation artifacts and burial sites. This measure compels a participating county to adopt an ordinance that is consistent with the purpose of the law's protection of historic properties and sites.

Your Committees have amended this measure by:

- (1) Requiring the Department of Land and Natural Resources to consult with the Office of Hawaiian Affairs in relation to procedures for delegating historic preservation review authority to the impacted county;
- (2) Clarifying that the county's ordinance on the review by the county be performed in accordance with Chapter 6E, Hawaii Revised Statutes and the rules promulgated by the Department of Land and Natural Resources;
- (3) Clarifying that the Department of Land and Natural Resources shall not delegate to the counties, projects that may be subject to prehistoric and historic burial sites;

- (4) Adding "conflicts of interest" to those provisions that refer only to the "appearance of conflict of interest" as recommended by the Attorney General; and
- (5) Making technical, and nonsubstantive amendments for the purpose of clarity and style.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2076, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2076, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair and President on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

SCRep. 2874 Labor, Culture and the Arts on S.B. No. 2554

The purpose and intent of this measure is to require employers to use materials provided by the Department of Labor and Industrial Relations to educate employees regarding seizure first aid.

Your Committee received testimony in support of this measure from the two individuals. Your Committee received testimony in opposition to this measure from the Department of Labor and Industrial Relations.

Your Committee finds that seizure disorders like Epilepsy are evidenced by sudden surges of electrical activity in the brain that affect a variety of mental and physical functions. The Epilepsy Foundation of Hawaii advocates and provides services for almost fourteen thousand residents in the State living with Epilepsy. The prevalence of Epilepsy and other seizure disorders in our community evidence a need to provide workplace education regarding seizure first aid.

Your Committee received testimony relating to the difficulty enforcing the provisions contained in this bill. As a result, your Committee encourages the Department of Labor and Industrial Relations to consider implementing a pilot program at the Capitol for a first aid plan that includes seizure first aid education.

Your Committee also has received no testimony in support of creating immunity from liability for persons administering seizure first aid. Accordingly, your Committee has amended this measure by deleting proposed language providing employees with immunity from liability.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2554, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2554, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2875 Labor, Culture and the Arts on S.B. No. 2866

The purpose and intent of this measure is to amend section 87A-40, Hawaii Revised Statutes, to mandate that newly retired employees pay their share of health benefits premiums through monthly electronic deductions from their Employees' Retirement System pension or their financial institution.

Your Committee received testimony in support of this measure from the Hawaii Employer-Union Health Benefits Trust Fund. Your Committee received comments on this measure from the Hawaii Employees' Retirement System.

Your Committee finds that monthly electronic deductions from retired employees or surviving employee-beneficiary's employees' retirement system pension or other financial institution improves operational efficiency, reduces banking fees and ensures that retired employees do not miss any monthly payments and possibly lose their health benefits.

Your Committee has amended this measure by:

- (1) Inserting language as suggested by the Employees' Retirement System to include coverage for the retirant or the surviving beneficiary for the Employer-Union Health Benefits Trust fund under provisions of section 88-95, Hawaii Revised Statutes, as may be necessary to effectuate the maximum recovery of retirement benefits; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2866, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2866, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2876 Labor, Culture and the Arts on S.B. No. 3131

The purpose and intent of this measure is appropriate funds and to require the governor to implement a state capitol tour program for volunteer docents to conduct tours of the capitol building and grounds.

Your Committee received no testimony on this measure.

Your Committee finds that the Hawaii State Capitol is a public building rich with history and significance. Completed in 1969, the capitol building was designed as a modern and functional place of democracy imbued with deep meaning, beauty, and dignity. Meant

to recall the birth of the islands from the sea, the unique design of the building offers insight into the State's singular history, shared values, and public priorities.

Your Committee notes although there are virtual tours and self-guided tours offered, it would be beneficial to have staff from the Office of the Governor tasked with coordinating and conducting guided tours and providing information about the state capitol for visitors and school groups.

Your Committee has amended this measure by:

- (1) Requiring the governor's office to establish a docent program in consultation with the legislative reference bureau's public access room;
- (2) Establishing one permanent full-time position in the Office of the Governor to establish, administer and implement the capitol tour program;
- (3) Changing the effective date to January 1, 2051, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3131, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3131, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 2877 (Joint) Higher Education and Commerce, Consumer Protection, and Health on S.B. No. 2472

The purpose and intent of this measure is to appropriate funds to the John A. Burns School of Medicine at the University of Hawaii at Manoa for the Hawaii to establish a program that awards tuition waivers and other subsidies to up to ten students per year to cover their entire term of study at the University of Hawaii John A. Burns School of Medicine.

Your Committees received testimony in support of this measure from Hawaii Primary Care Association and Hawaii Medical Service Association. Your Committees received comments on this measure from the University of Hawaii System.

Your Committees find that Hawaii's medical professional shortage is most acute in rural areas. High student loan payments, together with a higher cost of living and other expenses in the State, result in fewer physicians choosing to practice in the underserved and rural areas of our State.

Your Committees further find that one of the fastest and least expensive methods for recruiting medical professionals is through a loan repayment program. The Hawaii State Loan Repayment Program, administered through the John A. Burns School of Medicine, has helped over forty health care professionals since its inception in 2012. As of last year, almost two-thirds of the program graduates are still practicing in underserved areas of the State.

Your Committees have amended this measure by:

- (1) Replacing the language regarding tuition waivers with language requiring the John A. Burns School of Medicine to establish a loan forgiveness program to cover a student's tuition balance after any grants and scholarships received;
- (2) Requiring the loan forgiveness recipient to commit to practicing medicine in a rural area of the state for five consecutive years after residency;
- (3) Deleting the limit of students that may participate in the program per year; and
- (4) Amending the definition of "rural areas" to mean an area, as defined by zip code, with fewer than thirty thousand residents.

Your Committees note that the appropriation amount in this measure remains blank to encourage further discussion as the measure progresses. Your Committees further note that last year, the Legislature appropriated \$150,000 to fund the health care provider loan repayment program administered through the John A. Burns school of medicine.

As affirmed by the records of votes of the members of your Committees on Higher Education and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2472, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2472, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Keith-Agaran).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Nishihara, Thielen).

SCRep. 2878 Education on S.B. No. 3103

The purpose and intent of this measure is to:

- (1) Establish the School Facilities Agency to be responsible for all public school development, planning, and construction, related to capital improvement projects assigned by the Legislature, Governor, or Board of Education;
- (2) Transfer statutes pertaining to the Hawaii 3R's and 3T's programs to a new School Facilities Agency statutory subpart;
- (3) Place management of school impact fees with the agency; and
- (4) Appropriate funds.

Your Committee received testimony in support of this measure from the Office of the Governor; State of Hawaii Attorney General; Hawaii Institute for Public Affairs; Hawaii Community Foundation; Aloha United Way; Pacific Resource Partnership; He'e Coalition; Chamber of Commerce Hawaii; and Department of Business, Economic Development, and Tourism. Your Committee received testimony in opposition to this measure from the State Procurement Office, United Public Workers, and Hawaii Government Employees Association. Your Committee received comments on this measure from the Department of Land and Natural Resources; Department of Budget and Finance; Office of Information Practices; Hawaii State Ethics Commission; Hawaii State Public Library System; Hawaii 3R's; Hawaii Society of Professional Journalists Hawaii Chapter; Civil Beat Law Center for the Public Interest; Maui Chamber of Commerce; American Council of Engineering Companies Hawaii; Painting Industry of Hawaii Labor Management Cooperation Trust Fund; Hawaii Tapers Market Recovery Trust Fund; Hawaii Glaziers, Architectural Metal Glassworkers Local Union 1889 AFL-CIO Stabilization Trust Fund; Carpet, Linoleum and Soft Tile Local Union 1926 Market Recovery Trust Fund; and Electrical Contractor's Association of Hawaii.

Your Committee finds that this measure requires the agency and Department of Education to determine what positions will be transferred to the agency and report this to the Legislature. Your Committee therefore finds that, until that time, the Legislature will not have the information necessary to make a determination as to how to address the concerns brought forward by labor.

This measure included references to repair and maintenance. Your Committee finds that these functions will remain with the Department of Education.

Your Committee offers as clarification that the gifts and disclosure requirements are intended to be for gifts and contributions to the School Facilities Special Fund and not agency employees, who will still fall under the current guidelines of the State ethics code.

Your Committee urges the Committee on Ways and Means, if it is interested in deleting the procurement code exemption, to consider granting a case-by-case exemption to the procurement code as noted in the testimony of the State Procurement Office.

Your Committee further notes that the creation of the agency does not affect the status of existing civil service positions.

Your Committee has amended this measure by:

- (1) Amending the powers of the agency to be able to hold title;
- (2) Reducing the size of the school facilities board from eleven to seven;
- (3) Inserting language prohibiting board members from having:
 - (A) Any financial interest in any entity that bids on projects authorized by the agency; or
 - (B) Bid on any project within the last twelve months prior to their appointment;
- (4) Making the School Facilities Board subject to the State sunshine law;
- (5) Removing language moving the 3Rs program to the agency;
- (6) Removing language moving the 3Ts program to the agency;
- (7) Deleting the State Educational Facilities Improvement Special Fund and moving any remaining balance into the newly created School Facilities Special Fund;
- (8) Allowing the agency to issue its own bond financing;
- (9) Allowing the agency to enter into public-private partnerships;
- (10) Requiring that any construction or renovation projects for school lands that are adjacent to or have Hawaii State Public Library facilities on them shall consult with the Hawaii State Public Library System prior to project approval;
- (11) Including the amendment suggested by the Department of Land and Natural Resources that would revert any lands not used for educational purposes back to the public land trust under the management of the Department of Land and Natural Resources;
- (12) Including protections against bid-shopping in the State procurement code;
- (13) Including the qualification based selection process for professional service contracts as currently outlined in section 103-D;
- (14) Adopting the Hawaii State Ethics Commission recommendations to:
 - (A) Clarify that the gifts and disclosure requirements are intended to be for gifts and contributions to the special fund and not employees, who will still fall under current guidelines; and
 - (B) Clarifying the financial disclosure exemption by requiring that financial disclosures be confidential;
- (15) Removing all references to repair and maintenance; and
- (16) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3103, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3103, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 2879 Housing on S.B. No. 2694

The purpose and intent of this measure is to increase the number of low-income housing tax credit buyers by exempting state low-income housing tax credit investors from the federal “at-risk” and “passive activity loss” rules.

Your Committee received testimony in support of this measure from Hawaii Housing Finance and Development Corporation; Building Industry Association of Hawaii; Hawaii Regional Council of Carpenters; EAH Hawai‘i, Inc.; Stanford Carr Development, LLC; Pacific Resource Partnership; Castle & Cook Hawaii; Hunt Companies Hawaii; Sugar Creek Capital; Chamber of Commerce Hawaii; Hawai‘i Appleseed Center for Law & Economic Justice; and one individual. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that one of the most important tools for developing affordable housing is the State’s low-income housing tax credit program. However, the Hawaii low-income housing tax credit program needs several reforms that would enable it to produce more low-income rental units at little to no cost to the State. Your Committee further finds that the program is underutilized because only a limited number of Hawaii taxpayers can take advantage of the program. Currently, only a few dozen large financial institutions and insurance companies can purchase state low-income housing tax credits because state regulations do not specifically exempt Hawaii state low-income housing tax credit investors from rules imposed on federal low-income housing tax credit investors. The unintended consequence is that there are few eligible state low-income housing tax credit buyers, which in turn, results in the credits being valued and sold for a lower price.

Your Committee further finds that exempting state low-income housing tax credit investors from the federal “at-risk” and “passive activity loss” rules would dramatically increase the pool of potential low-income housing tax credit buyers by allowing any Hawaii taxpayer to benefit from purchasing state low-income housing tax credits. This would result by increasing the low-income housing tax credit sales price, which directly translates into millions of more dollars for affordable housing in Hawaii. For these reasons, this measure exempts state low-income housing tax credit investors from the federal “at-risk” and “passive activity loss” rules.

Your Committee received testimony from the Department of Taxation, who recommended amendments that would foreclose potential unintended consequences of the measure as written. Therefore, your Committee has amended this measure by:

- (1) Disallowing the special treatment proposed by this measure if a building ceases to be a qualified low-income housing building;
- (2) Preventing inflation of the depreciable basis by using nonrecourse financing; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2694, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2694, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2880 Housing on S.B. No. 2695

The purpose and intent of this measure is to raise funds to develop affordable housing by establishing a housing incentive fund and an income tax credit for contributions to the fund.

Your Committee received testimony in support of this measure from the Hawaii Public Housing Authority and Maui Chamber of Commerce. Your Committee received comments on this measure from the Department of Taxation.

Your Committee finds that Hawaii faces a growing shortfall of affordable homes for low and middle-income populations. Many of these families are rent-burdened, meaning they pay more than thirty percent of their income to housing costs. When that threshold is crossed, households must spend more on basic housing needs, leaving less income for other household essentials (like health care, transportation, food, and clothing). This measure allows any individual or entity to be part of the housing solution by giving the Hawaii Public Housing Authority the ability to administer the housing incentive fund, which, in addition to the \$50,000,000 from the State, would allow the Hawaii Public Housing Authority to more quickly rehabilitate its existing aged inventory and move forward with current and future redevelopment projects.

Your Committee received testimony from the Department of Taxation recommending the measure be amended for the purposes of clarity.

Accordingly, your Committee has amended this measure by:

- (1) Adding a provision that makes the Hawaii Public Housing Authority responsible for administering the aggregate tax;
- (2) Defining the credit to be equal to twenty percent of the amount contributed to the fund during the taxable year;
- (3) Clarifying that if the tax credit exceeds the taxpayer’s income tax liability for the year, the excess may be used as a tax credit for subsequent years;
- (4) Adding standard language that is included in other provisions of the Hawaii Revised Statutes regarding income tax credits; and
- (5) Amending the effective date to begin on taxable years beginning after December 31, 2020.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2695, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2695, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2881 Housing on S.B. No. 3062

The purpose and intent of this measure is to help alleviate the affordable housing crises in the State by increasing the cap on monies to be paid into the rental housing revolving fund from conveyance tax revenues.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, Imua Alliance, EAH Housing, Faith Action for Community Equity, and two individuals. Your Committee received comments on this measure from Tax Foundation of Hawaii and Catholic Charities Hawaii.

Your Committee finds that the rental housing revolving fund, which provides low-interest loans or grants to qualified owners and developers constructing affordable housing units, can help to fulfill housing needs in Hawaii. The rental housing revolving fund is funded annually, in part, by the state conveyance tax; however, the funding from conveyance taxes is capped at \$38,000,000 per year. Your Committee finds that if there were no cap, the rental housing revolving fund would have had \$26,550,000 additional funds combined over the last three years. Therefore, this measure increases the statutory cap to increase the funding in the rental housing revolving fund.

Your Committee recognizes the testimony from the Hawaii Housing Finance and Development Corporation, who requested that the statutory cap be lifted entirely. The Hawaii Housing Finance and Development Corporation testified that it would be able to use all of the additional funds generated by lifting the cap.

Accordingly, your Committee has amended this measure by removing the statutory cap instead of merely raising it.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3062, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3062, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2882 Housing on S.B. No. 2044

The purpose and intent of this measure is to help employees in the State save money for housing by establishing the procedures for a housing savings account system in which all employees in Hawaii may participate.

Your Committee received testimony in support of this measure from Faith Action and one individual. Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that affordable housing the State has reached crisis levels. Your Committee finds that creative solutions are needed to combat this crisis. This measure creates the housing savings account system for employees in the State, which automatically deducts, subject to an employee's opt out, a predetermined portion of the employee's salary and places it into a savings account that may be used for housing related expenses.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2044, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2044, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2883 Housing on S.B. No. 2654

The purpose and intent of this measure is to reduce the cost of housing in the State by clarifying that absent an affirmative acceptance or rejection by a county, a request for dedication of infrastructure to connect an affordable housing project's infrastructure to the county's infrastructure is deemed accepted within sixty days of the dedication request.

Your Committee received testimony in support of this measure from Chamber of Commerce Hawaii, Building Industry Association of Hawaii, Faith Action, and Partners in Housing. Your Committee received testimony in opposition to this measure from the Hawaii County Department of Public Works.

Your Committee finds that the cost of housing increases when infrastructure such as roads, right of ways, drainage, and sewers are built by developers and dedicated to the counties, but not accepted by them. This is because the developer remains responsible for maintenance and upkeep as well as liability for any accident that may be attributed to the lack of maintenance. This measure clarifies that the request for dedication for infrastructure is to connect an eligible affordable housing's infrastructure to the county's infrastructure; and authorizes a licensed private building inspector, contracted by the State or a county, to certify compliance with county standards.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2654, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2654, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2884 (Joint) Housing and Government Operations on S.B. No. 2442

The purpose and intent of this measure is to combat homelessness in Hawaii by establishing and appropriating funds for the kauhale pilot program to provide permanent shelter and certain services to homeless individuals.

Your Committees received testimony in support of this measure from the Lieutenant Governor's Office; Governor's Coordinator on Homelessness; Hawaii Public Housing Authority; Office of the Prosecuting Attorney, Hawaii County; Habitat for Humanity Hawaii Island, Inc.; Partners in Care & Hawaii Kai Homeless Task Force; Hawaii Island HIV/AIDS Foundation; Partners in Care; Hawai'i Health & Harm Reduction Center; Catholic Charities Hawai'i; Waimanalo Kauhale, Inc.; Hope Services Hawaii, Inc.; Democratic Party of Hawai'i; HomeAid Hawaii; Castle & Cooke Hawaii; and twelve individuals. Your Committees received comments on this measure from the Department of Human Services; Hawaii Housing Finance and Development Corporation; and State Procurement Office.

Your Committees find that "kauhale" traditionally means a Hawaiian village that houses members of an ohana, whether related by blood or not, who treat each other as extended family. Your Committees further find that this traditional housing model, which is grounded in Hawaiian culture and values, presents an opportunity to improve the lives of people experiencing homelessness. While significant strides have been made, current attempts to address homelessness in Hawaii remain insufficient. Hawaii continues to have the highest number of homeless individuals per capita of any state in the nation. Your Committees find that the Governor has combated homelessness via emergency proclamations; however, emergency proclamations cannot be extended in perpetuity. This measure will forward these goals by establishing the kauhale pilot program to provide permanent shelter and other services to homeless individuals by continuing the work of the Governor's emergency proclamation on homelessness.

Your Committees further find that the Office of the Lieutenant Governor has the capacity and ability to oversee the kauhale pilot program. Additionally, your Committees find that the program would be better served by leasing land used for the pilot program. Furthermore, the exemptions from Hawaii Revised Statutes included as part of the Governor's emergency proclamation should be included in the pilot program in order to expedite building these permanent shelters. Your Committees note that the kauhale pilot program is limited to six sites identified on Oahu where support already exists for the pilot program. These six sites are identified in HomeAid Hawaii's testimony as Waimanalo, Nimitz, Kalaeloa, Sand Island, Pearl City, and Waianae.

Accordingly, your Committees have amended this measure by:

- (1) Clarifying that the office of the Lieutenant Governor will administer and oversee the kauhale pilot program;
- (2) Changing the measure to authorize state or county agencies to lease land, rather than transferring it, to an entity managing the kauhale pilot program;
- (3) Creating two new positions within the Hawaii Housing Finance and Development Corporation;
- (4) Exempting the kauhale pilot program from the same provisions of the Hawaii Revised Statutes listed by the Governor in the Governor's December 14, 2018 emergency proclamation on homelessness, and providing a sunset date for those exemptions;
- (5) Clarifying that kauhale homes will be permanent homes and not temporary, traditional, or emergency shelters;
- (6) Changing the listed requirements for a kauhale to be advisory rather than mandatory;
- (7) Adding to the list of services a kauhale will provide;
- (8) Providing access to transportation to residents of the kauhale;
- (9) Adding a provision that would allow kauhale to be built on private lands;
- (10) Authorizing the appropriations to be used for infrastructure;
- (11) Amending the purpose of kauhale to include shared responsibilities; and
- (12) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Housing and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2442, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2442, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Housing: Ayes, 5. Noes, none. Excused, none.
Government Operations: Ayes, 5. Noes, none. Excused, none.

SCRep. 2885 Housing on S.B. No. 2205

The purpose and intent of this measure is to promote affordable housing by designating certain lands owned by the State that are located within 0.5 miles of any rail mass transit station as important housing lands.

Your Committee received testimony in support of this measure from three individuals. Your Committee received testimony in opposition to this measure from the Department of Planning and Permitting, City and County of Honolulu. Your Committee received comments on this measure from the Office of Planning State, Department of Land and Natural Resources, Aloha Stadium Authority, Building Industry Association Hawaii, and Chamber of Commerce Hawaii.

Your Committee finds that there is a housing shortage throughout the State. Affordable housing is needed for low- and moderate-income households, particularly near mass transit hubs. Your Committee finds that the elevated rail system on Oahu provides the ideal opportunity to develop affordable housing.

This measure:

- (1) Establishes that important housing lands are public lands owned by the State that are located within 0.5 miles of any rail mass transit station and are needed to promote the expansion of available housing for the future;
- (2) Requires the State and counties to identify and designate important housing lands; and
- (3) Appropriates funds to the counties for identifying and mapping important housing lands.

Your Committee notes that the many proposed developments on state lands near rail stations enumerated by the Department of Land and Natural Resources and the Stadium Authority include no affordable housing. Your Committee further notes the testimony of the Office of Planning that nearly all State-owned land within 0.5 miles of rail mass transit stations are in the urban district, and the remaining non-urban areas are not appropriate for housing.

Your Committee additionally notes that its intent is that the future housing developments to be built on important housing lands contemplated by this measure is for low- to moderate-income households, despite not specifying such in the measure. Your Committee wishes to recognize the contributions of Juanita Kawamoto who presented your Committee with the concept of important housing lands.

Accordingly, your Committee has amended this measure by:

- (1) Deleting the exception for lands that have been designated for urban use;
- (2) Amending the definition of “important housing lands” and adding a definition of “eligible buyer”; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2205, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2205, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2886 (Joint) Housing and Judiciary on S.B. No. 3063

The purpose and intent of this measure is to propose an amendment to article IX, section 5, of the Constitution of the State of Hawaii, to require the State to assure that each resident has access to housing as provided by law.

Your Committees received testimony in support of this measure from Pono Hawai'i Initiative, Imua Alliance, Building Industry Association Hawaii, and one individual. Your Committees received testimony in opposition to this measure from the Libertarian Party of Hawaii.

Your Committees find that although Hawaii has had unmet housing needs for decades, today the State is in crisis mode as more people face the challenge of moving out of state or living in multi-household housing to avoid homelessness. The entire State, government at all levels, the private sector, non-profit agencies, and individuals, must focus on creating the supply to meet the demand for housing for all residents. Housing for all residents should be as important a priority as the right to a clean and healthful environment, which is already enshrined in the State Constitution. Your Committees further find that while the State Constitution should prioritize housing for the State's residents, your Committees also do not wish for the State to be vulnerable to litigation. Finally, your Committees find that the measure does not provide for a ballot question of whether the phrase “slum clearance” should be amended to read “the elimination of blighted areas”. As such, your Committees have amended this measure by:

Your Committee has amended this measure by:

- (1) Changing the language of the proposed constitutional amendment to contain aspirational, rather than mandatory, language;
- (2) Removing the amendments deleting “slum clearance” and adding the phrase “the elimination of blighted areas; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Housing and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3063, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3063, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Housing: Ayes, 4. Noes, none. Excused, 1 (Thielen).

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2887 Labor, Culture and the Arts on S.B. No. 2312

The purpose and intent of this measure is to provide basic protection against discrimination for interns and participants in training or apprenticeship programs.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Hawai'i State Commission on the Status of Women, American Association of University Women of Hawaii, Community Alliance on Prisons, Midwives Alliance of Hawaii, LGBT Caucus of the Democratic Party of Hawaii, Pride at Work – Hawaii, Breastfeeding Hawaii, Pono

Hawai'i Initiative, Planned Parenthood Votes Northwest and Hawaii, and ten individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that students and workers who are entering the competitive job market are increasingly faced with an expectation that they must start in an unpaid or low-paid internship as a gateway to employment. In some instances, these internships create power imbalances that make interns vulnerable to sexual harassment and other forms of discrimination; however, many interns do not fall under the definition of "employees" for the purposes of federal and state fair employment law protections. Your Committee concludes that these students and workers should also be afforded basic protections.

Your Committee has amended this measure by deleting "apprenticeship" and inserting "job" in the definition of "internship or job training program" for clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2312, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2312, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 2888 Labor, Culture and the Arts on S.B. No. 2961

The purpose and intent of this measure is to make general contractors entering into or under contracts in Hawaii for work on buildings or structures liable for debt incurred by subcontractors of any tier for wages due to claimants for performance of labor in the contract between the general contractor and owner.

Your Committee received testimony in support of this measure from the Hawaii Regional Council of Carpenters and Pacific Resource Partnership. Your Committee received testimony in opposition to this measure from the Subcontractors Association of Hawaii, Building Industry Association of Hawaii. Your Committee received comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that under existing law, general contractors are not liable for the unfair labor practices of their subcontractors, including but not limited to the nonpayment of wages. As a result, employees of subcontractors are, in certain instances, not getting adequately compensated for work they provide. This measure will hold general contractors liable for debt incurred by subcontractors for wages due to their employees, which will ensure that general contractors take precautions in hiring subcontractors if they want to avoid being responsible for the subcontractor's nonpayment to their employees.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 1, 2051, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2961, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2961, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 2889 Labor, Culture and the Arts on S.B. No. 3011

The purpose and intent of this measure is to appropriate funds for the operation, maintenance, restoration, repair, and one full-time groundskeeper for Iolani Palace.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawai'i Tourism Authority, Iolani Palace.

Your Committee finds that Iolani Palace is a living restoration of a proud Hawaiian national identity, a registered national Historic Landmark, and the only palace of official royal residence in the United States. Your Committee notes that the Friends of Iolani Palace receives no financial subsidy from the State of Hawaii for operational support for the development of cultural exhibits and events that educate people about the Hawaiian monarchy and therefore, must rely solely on ticket sales, gift shop sales, donations and special events held on the palace grounds. According to the Department of Land and Natural Resources, the last major repair of the Coronation Pavilion was in 1983 and minor work since then has exposed the need for major repairs to the wooden and concrete elements of the structure.

Your Committee acknowledges a critical need to renovate the Palace and palace grounds to preserve this treasured historical site.

Your Committee has amended this measure by:

- (1) Inserting an appropriation of an unspecified amount for one full-time equivalent (1.0 FTE) groundskeeper position;
- (2) Changing expending agency to the department of land and natural resources;
- (3) Incorporating additional itemized appropriations;
- (3) Changing the effective date to July 1, 2051, to encourage further discussion; and
- (4) Making technical, nonsubstantive changes for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3011, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3011, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 2890 Labor, Culture and the Arts on S.B. No. 3079

The purpose and intent of this measure is to provide appropriations to the legislative agencies, for funding trust fund costs and other costs for certain employees excluded from collective bargaining for fiscal year 2020-2021.

Your Committee received testimony in support of this measure from the Office of the Ombudsman, Office of the Auditor, and the Hawai'i State Ethics Commission.

Your Committee finds that this measure provides funding for legislative agencies to make cost adjustments for expenses, including salary adjustments for employees excluded from collective bargaining.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3079, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3079, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 2891 (Joint) Housing and Water and Land on S.B. No. 3104

The purpose and intent of this measure is to provide solutions to expeditiously develop housing for working families in the State by reducing the administrative procedures needed to develop affordable housing and increasing funding to affordable housing projects.

Your Committees received testimony in support of this measure from the Office of Senator Brian Schatz; Hawaii Housing Finance and Development Corporation; Hawaii Public Housing Authority; Department of Land and Natural Resources; Office of Planning; University of Hawaii; State Land Use Commission; Chamber of Commerce Hawaii; Maui Chamber of Commerce; Kohala Coast Resort Association; Aloha United Way, Inc.; Hawai'i Association of Realtors; Homestead Community Development Corporation; Catholic Charities Hawai'i; Hawaii Appleseed Center for Law & Economic Justice; Kamehameha Schools; Building Industry Association of Hawaii; Pacific Resource Partnership; Hawaii Regional Council of Carpenters; Aloha Business Bitz, Inc.; West Maui Taxpayers Association, Inc.; and fourteen individuals. Your Committees received testimony in opposition to this measure from the Office of Hawaiian Affairs; Kihei Community Association; South Maui Citizens for Responsible Growth; Young Progressives Demanding Action; Ka Lāhui Hawai'i Political Action Committee; Faith Action for Community Equity; Sierra Club; and thirty-eight individuals. Your Committees received comments on this measure from the Office of the Ombudsman; Tax Foundation of Hawaii; Department of Agriculture; Society for Hawaiian Archaeology; Hawaiian Community Assets, Inc.; Hawai'i Community Lending, Inc.; Historic Hawai'i Foundation; and Imua Alliance.

Your Committees find that the State's population has declined each year over the past three years, an unprecedented situation that has not happened since Hawaii became a state in 1959. Your Committees also find that a significant portion of this population loss can be attributed to the State's high cost of living and lack of affordable dwellings. Moreover, housing costs continue to rise, keeping homeownership outside the reach of many Hawaii residents. This measure provides solutions to expeditiously develop housing for working families in the State by:

- (1) Authorizing the Hawaii Housing Finance and Development Corporation to lease real property for a period not to exceed 99 years for the development of certain projects that include affordable housing. Requires the Hawaii Housing Finance and Development Corporation to submit a report to the Legislature that identifies all state lands that may be developed for multi-unit dwellings;
- (2) Authorizing the issuance of \$200,000,000 in general obligation bonds, with the proceeds used for the establishment of infrastructure to support the development of housing on lands near the University of Hawaii West Oahu campus;
- (3) Authorizing the issuance of \$75,000,000 in general obligation bonds, with the proceeds used for affordable housing infrastructure in counties with a resident population of 500,000 or less;
- (4) Authorizing a state or county department or agency to petition the appropriate county land use decision-making authority, rather than the Land Use Commission, for a change in the boundary of a district involving land areas between 15 acres and 25 acres where the majority of the development will be for affordable housing;
- (5) Authorizing the State Historic Preservation Division to delegate the responsibility of historic preservation project reviews to the impacted county;
- (6) Establishing the Office of the Housing Ombudsman; and
- (7) Removing the existing statutory cap on the amount of conveyance tax revenues that are deposited into the rental housing revolving fund each fiscal year.

Your Committees note that this measure, and its amendments, is the product of voluminous and thoughtful input from several state agencies, interest groups, and individuals. Even though not all the proposed amendments received by your Committees were incorporated into this measure, your Committees would like to recognize a few salient issues raised in testimony.

Your Committees note that several groups, including the Office of Hawaiian Affairs, Young Progressives Demanding Action, Imua Alliance, Hawaii Appleseed Center for Law and Economic Justice, Hawaiian Community Assets, Hawai'i Community Lending, Faith Action for Community Equity, and Sierra Club of Hawai'i testified that this measure currently allows half of the units contemplated by this measure are to be priced at market rates and half at 140 percent of area median income. According to federal guidelines, 140 percent of area median income is \$870,000, which less than ten percent of Hawaii households can afford. Your Committees further note that according to those same guidelines, a family of one at 80 percent of area median income can afford housing priced at \$347,000 and a family of eight at 80 percent of area median income can afford housing priced at \$654,800. Your Committees believe that prices of \$400,000 or below are reasonable.

Your Committees also recognizes the testimony of the Office of Hawaiian Affairs, that the Land Use Commission's district boundary amendment process is an important mechanism to mitigate adverse impacts to public trust resources and native Hawaiian rights. Your Committees further note the Office of Hawaiian Affairs' testimony that extremely long-term leases may generate a sense of entitlement in the property.

Your Committees further note the testimony of the Society for Archaeology, who expressed concerns of who will pay for third-party review of historic preservation projects, as well as concerns of actual and appearances of conflicts of interests. Your Committees additionally note their testimony that third-party reviewers should possess qualifications prescribed by the Secretary of the Interior under the National Historic Preservation Act.

Your Committees furthermore note the testimony of the Historic Hawaii Foundation, who suggested existing programs and authorities, including the Certified Local Government program, and the provision of adequate professional staffing and resources at both the State and County levels could be possible solutions to conducting historic preservation reviews.

Your Committees also note the testimony from Hawaiian Community Assets, who recommend that the Hawaii Housing Finance and Development Corporation use existing law, namely section 201H-57, Hawaii Revised Statutes, to provide ninety-nine year leases to nonprofit community land trusts and/or nonprofit developers targeting the housing needs of ALICE (asset limited, income constrained, employed) households.

Finally, your Committees note the testimony provided by several state agencies, nonprofit organizations, and interest groups that describe ways this measure, which is large in scope, can be improved.

Accordingly, your Committees have amended this measure by:

- (1) Requiring the Hawaii Housing Finance and Development Corporation to submit a program to the Legislature by December 31, 2020, which addresses various concerns raised by the testifiers to this measure, including the steps necessary to end the State's housing shortage;
- (2) Adding a provision to require the Hawaii Housing Finance and Development Corporation to follow section 171-64.7, Hawaii Revised Statutes when disposing of land set aside to the Hawaii Housing Finance and Development Corporation in order to prevent alienation of the fee interest in state lands;
- (3) Clarifying that the "majority of development" refers to the square footage of the development;
- (4) Replacing, in certain parts of the measure, the term "affordable housing" with the requirement that housing units be sold to Hawaii residents who are owner-occupants who own no other real property, in perpetuity;
- (5) Authorizing the Housing Advocate to set aside lands from a state agency to a housing agency, i.e., the Hawaii Housing Finance and Development Corporation, the Hawaii Public Housing Authority, or the Department of Hawaiian Home Lands, subject to legislative approval;
- (6) Amending section 205-3.1, Hawaii Revised Statutes, to clarify that county authority does not extend to conservation districts and that district boundary amendments will be limited to lands contiguous to the urban district;
- (7) Adding a provision that requires the corporation to transfer to the Department of Hawaiian Home Lands or the Office of Hawaiian Affairs, units within residential projects developed on certain state lands;
- (8) Deleting the amendments to section 201H-9, Hawaii Revised Statutes, and replacing them with amendments to section 171-2, Hawaii Revised Statutes;
- (9) Broadening the appropriation language to provide the Hawaii Housing Finance and Development Corporation greater flexibility to fund regional infrastructure projects;
- (10) Appropriating funds for the Hawaii Housing Finance and Development Corporation in order to hire three full time project manager positions;
- (11) Deleting extraneous language;
- (12) Changing the title of the Housing Ombudsman to the Housing Advocate;
- (13) Eliminating certain requirements of the Housing Advocate that would create administrative burdens and interfere with federal laws;
- (14) Excluding from district boundary reclassification, lands that are proposed to be parceled;
- (15) Deleting the provision amending the special permit process, as it does not impact district boundary amendments;
- (16) Amending the measure to add enforcement powers and penalties to the Land Use Commission;

- (17) Amending the measure to allow the Office of Hawaiian Affairs to participate in the Department of Land and Natural Resource's delegation of its responsibility to review historic preservation projects;
- (18) Adding language that exempts important agricultural lands and soil with particular classifications from certain district boundary amendments;
- (19) Adding language that specifies that the affordable housing infrastructure built with the \$275,000,000 in appropriations will be used specifically for developments in which the majority of square footage is housing to be occupied by Hawaii residents who are owner-occupants and who own no other real estate, in perpetuity;
- (20) Inserting an effective date of July 1, 3000, to encourage further discussion; and
- (21) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Housing and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3104, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3104, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair and President on behalf of the Committees.

Housing: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Water and Land: Ayes, 5; Ayes with Reservations (Keith-Agaran, Riviere). Noes, none. Excused, none.

SCRep. 2892 Ways and Means on S.B. No. 2265

The purpose and intent of this measure is to establish and appropriate funds for the micro enterprise assistance program on Hawaiian home lands revolving fund to provide grants and loans to qualified recipients.

Your Committee received written comments in support of this measure from the Department of Hawaiian Home Lands, Kauai County Council, and Sovereign Council of Hawaiian Homestead Associations.

Your Committee received written comments in opposition to this measure from the Center for Hawaiian Sovereignty Studies.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that this measure provides important mechanisms for growing the economies of homestead areas, thereby serving not only beneficiaries of the Hawaiian Homes Commission Act, but non-beneficiaries as well.

Your Committee has amended this measure by:

- (1) Authorizing the Department of Hawaiian Home Lands to enter into a memorandum of agreement with the Department of Business, Economic Development, and Tourism or a successor state agency to implement the micro enterprise assistance program; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2265, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2265, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 2893 Ways and Means on S.B. No. 2295

The purpose and intent of this measure is to require the Department of Education to implement a service-learning curriculum by the 2023-2024 school year.

Your Committee received written comments in support of this measure from Common Cause Hawaii and five individuals.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee finds that engaging Hawaii's public school students in community service volunteer work will provide these students with unique opportunities to develop character and civic responsibility, learn new values, increase self-esteem, and expand knowledge and awareness of local issues and cultural differences.

Your Committee has amended this measure by making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2295, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2295, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 2894 Ways and Means on S.B. No. 2342

The purpose and intent of this measure is to appropriate funds for the Kupuna Caregivers program and to reduce the number of hours that a family caregiver must be employed outside the home to qualify for program assistance.

Your Committee received written comments in support of this measure from the American Association of Retired Persons Hawaii, Young Progressives Demanding Action, Hawaii Public Health Association, Pono Hawaii Initiative, Policy Board for Elder Affairs, International Longshore and Warehouse Union Local 142, Faith Action for Community Equity, Hawaii Appleseed Center for Law and Economic Justice, Aloha Chapter of the Alzheimer's Association, Hawaii Public Health Association, and two individuals.

Your Committee received written comments on this measure from the Executive Office on Aging.

Your Committee finds that the Kupuna Caregivers program helps to reduce the burden on family caregivers by providing the resources and services that caregivers need to care for both themselves and their family members.

Your Committee has amended this measure by:

- (1) Changing the appropriation from \$2,000,000 to an unspecified sum;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2342, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2342, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 2895 Ways and Means on S.B. No. 2942

The purpose and intent of this measure is to require the Governor's Coordinator on Homelessness to develop and implement regional plans to coordinate the services and shelter facilities of applicable public agencies and nonprofit organizations in various neighborhoods throughout the State.

Your Committee received written comments in support of this measure from the Democratic Party of Hawaii and one individual.

Your Committee received written comments on this measure from the Department of Human Services, Governor's Coordinator on Homelessness, County of Hawaii Mayor's Office, County of Maui, Catholic Charities Hawaii, Hawaii Health and Harm Reduction Center, HOPE Services Hawaii, Kealahou West Oahu, and one individual.

Your Committee finds that increased collaboration among all stakeholders, including the State, counties, and applicable nonprofit organizations, is necessary to address homelessness in the State.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2942 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 2896 (Majority) Hawaiian Affairs on S.B. No. 43

The purpose and intent of this measure is to amend the law relating to Hawaiian affairs.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and replacing it with language to create a statewide supplementary certification board for the practitioners of traditional native Hawaiian healing arts, where practitioners may be certified to practice.

Your Committee has amended this measure by:

- (1) Adopting the proposed S.D. 1; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 43, as amended herein, and recommends that it be recommitted to your Committee on Hawaiian Affairs, in the form attached hereto as S.B. No. 43, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.
Ayes, 2. Noes, 1 (Fevella). Excused, 2 (Ihara, Kahele).

SCRep. 2897 Energy, Economic Development, and Tourism on Gov. Msg. No. 509

Recommending that the Senate advise and consent to the nomination of the following:

CHIEF ENERGY OFFICER OF THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

G.M. No. 509 SCOTT GLENN, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Scott Glenn for service as the Chief Energy Officer of the Department of Business, Economic Development, and Tourism.

Your Committee received testimony in support of the nomination for the appointment of Scott Glenn from the Governor; Department of Budget and Finance; Department of Public Safety; Department of Human Resources Development; Department of Hawaiian Home Lands; Department of Labor and Industrial Relations; Department of Commerce and Consumer Affairs; Department of Land and Natural Resources; Department of Accounting and General Services; Department of Business, Economic Development,

and Tourism; Department of Transportation; Department of Health; Office of Climate Change, Sustainability, and Resiliency of the City and County of Honolulu; Hawaiian Electric Company, Inc.; Hawaii Clean Power Alliance; Hawai'i Gas; Hawaii PV Coalition; Ho'ohana Solar 1 LLC; Young Progressives Demanding Action; Imanaka Asato, LLLC; Honua Ola; Hawaii Farm Bureau; Adon Renewables; Ulupono Initiative; Blue Planet Foundation; Elemental Excelerator; Hawaii Solar Energy Association; Peters Communications, LLC; Sierra Club of Hawai'i; and twenty-two individuals.

Your Committee finds that Scott Glenn's experience as an environmental planner, commitment to public service, and proven leadership abilities qualify him for appointment as the Chief Energy Officer of the Department of Business, Economic Development, and Tourism. Mr. Glenn first began his career in environmental services at Cardno, a professional infrastructure and environmental services company, serving as a project manager, business developer, and technical expert. During his time at Cardno, Mr. Glenn led a team of planners, environmental scientists, geospatial data analysts, graphic designers, and technical specialists. Your Committee further finds that Mr. Glenn specializes in asset management, environmental planning and compliance, environmental review, and climate change adaptation planning. He has also served as the Chair of the Sierra Club of Hawaii Chapter and Chair of the State Environmental Council. Your Committee notes that Mr. Glenn has worked in the areas of urban planning and the environment for many years.

Your Committee also finds that Mr. Glenn most recently was the Director of the Office of Environmental Quality Control and held that position for four years. As the Director, he modernized the environmental review process and coordinated state policy development on climate change, energy, and sustainability initiatives. Mr. Glenn was designated by the Governor to be the Co-Chair of the Sustainable Hawaii Initiative and liaison to the United States Climate Alliance. He has worked extensively on climate change and energy policy with key government officials and the private sector to ensure the State reaches its renewable energy goals in a timely manner. Mr. Glenn is currently serving as the Acting Chief Energy Officer, where he oversees the development, management, and implementation of statewide programs for energy efficiency, renewable energy, and clean transportation to help achieve a resilient, clean energy, decarbonized economy.

Your Committee believes that Mr. Glenn's experience in the private sector, success at the Office of Environmental Quality Control, and dedication to helping the State reach its renewable energy goals make him exceptionally qualified to serve as the Chief Energy Officer of the Department of Business, Economic Development, and Tourism.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Inouye).

SCRep. 2898 Ways and Means on S.B. No. 2101

The purpose and intent of this measure is to amend the excise tax rate on large cigars.

Your Committee received testimony in support of this measure from the Hawaii Cigar Association; Cigar Association of America, Inc.; Cigar Rights of America, Hawaii; and four individuals.

Your Committee received testimony in opposition to this measure from the Department of Health; American Heart Association; We Are One, Inc.; Hawaii Public Health Institute; American Cancer Society Cancer Action Network; Blue Zones Project - Hawaii; and numerous individuals.

Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that the current wholesale tax rate of fifty percent on large cigars encourages consumers to buy cheaper cigars from either unlicensed sources outside of the State or through the black market.

Your Committee has amended this measure by:

- (1) Changing the excise tax rate on sales of large cigars to the lesser of:
 - (A) An unspecified sum for each large cigar of any length; or
 - (B) An unspecified percent of the wholesale price of each large cigar of any length; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2101, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2101, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 7; Ayes with Reservations (Taniguchi). Noes, none. Excused, 6 (English, Harimoto, Kahele, Moriwaki, Shimabukuro, Fevella).

SCRep. 2899 Education on S.B. No. 35

The purpose and intent of this measure is to amend the law relating to education.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and replacing it with language:

- (1) Establishing a safe space program within alternative learning centers in the Department of Education to support students by providing twenty-four hours per day seven days per week emergency crisis services; and
- (2) Making an appropriation to the Department of Human Services.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 35, as amended herein, and recommends that it be recommitted to your Committee on Education, in the form attached hereto as S.B. No. 35, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Kim).

SCRep. 2900 Education on S.B. No. 2262

The purpose and intent of this measure is to amend the powers and duties of the Hawaii Teacher Standards Board to authorize the issuance of certificates for teachers at independent schools.

Your Committee received testimony in support of this measure from the Hawaii Association of Independent Schools and Hawaii Teacher Standards Board.

Your Committee finds that approximately 38,000 children attend 167 private schools and are educated by nearly 3,000 private school teachers. Almost all of these educators hold at least a bachelor's degree and, in many cases, an advanced degree. Many of these teachers have completed a standard licensure program as part of their undergraduate or graduate education. Most private schools, however, do not require that their faculty be "licensed" they are only required to have completed a degree in the field of study in which they plan to teach.

Your Committee further finds that a new "certificate" category for private school educators – whether licensed or not – would be a valuable means of attesting to the basic qualifications of these persons as educators.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2262, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2262, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kanuha).

SCRep. 2901 Commerce, Consumer Protection, and Health on S.B. No. 2281

The purpose and intent of this measure is to repeal the sunset date on the regulation of behavior analysis.

Your Committee received testimony in support of this measure from the Department of Education, Hawai'i Psychological Association, Hawai'i Association for Behavior Analysis, Hawaii Disability Rights Center, Hawaii State Teachers Association, Special Education Advisory Council, and five individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that behavior analysis means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior. The practice of behavior analysis includes the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis, including the use of motivating operations, positive reinforcement, and other methods to help people develop positive behaviors. Act 199, Session Laws of Hawaii 2015 (Act 199), established the licensing requirements for behavior analysts in the State. Since the enactment of Act 199, hundreds of behavior analysts have become licensed and thousands of children with autism are now receiving access to applied behavior analysis. This measure will help continue the licensure program of behavior analysts to protect the public from the unqualified practice of behavior analysis and from unprofessional conduct by behavior analysts.

Your Committee has heard the testimony that this measure should be subject to an evaluation and report by the Auditor. Your Committee has also heard the testimony in support of this measure that nearly one thousand five hundred public school students are currently diagnosed as having autism spectrum disorder and that behavior analysts provide critical assistance to these students and their teachers. Because the number of licensed behavior analysts in the State has steadily grown due to present demands, now is the appropriate time to formalize the licensing requirements for this field to ensure that these important services are continued for those who require them.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language that exempts this measure from the evaluation and report requirements of section 26H-5, Hawaii Revised Statutes; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2281, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2281, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Nishihara, Wakai, Fevella).

SCRep. 2902 Commerce, Consumer Protection, and Health on S.B. No. 2877

The purpose and intent of this measure is to:

- (1) Clarify that the practicum internship experience requirement shall be included with the course work in counseling requirement for mental health counselors; and
- (2) Clarify the supervision requirements of licensure for mental health counselors by permitting applicants to fulfill all or part of their face-to-face clinical supervision requirement by a videoconference service.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs; University of Hawai'i System, University of Hawai'i at Hilo; Hawaii Substance Abuse Coalition; Democratic Party of Hawai'i, and eleven individuals.

Your Committee finds that Hawaii is facing a shortage of qualified mental health professionals, especially in rural areas. Further, for applicants seeking licensure as a mental health counselor in Hawaii, we are the only state that includes the practicum internship requirement as a separate, stand-alone requirement, rather than including it with course work requirements. Additionally, it can be difficult to find an appropriate, licensed individual to provide in-person supervision for the duration of required post-graduate experience. This measure aligns Hawaii with national licensing standards and allows supervision via face-to-face telecommunication to help decrease the barriers to licensure and increase access to behavioral health services for Hawaii residents.

Your Committee has amended this measure by:

- (1) Clarifying course areas to include assessment and diagnosis of disorders with an emphasis on DSM categories, rather than DSM-IV categories, to ensure Hawaii's law remains current with each Diagnostic and Statistic Manual edition that may be released; and
- (2) Clarifying the supervised mental health practicum intern experience requirement to be a total of three hundred hours of supervised client contact across two semesters.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2877, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2877, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Wakai, Fevella).

SCRep. 2903 Commerce, Consumer Protection, and Health on S.B. No. 2768

The purpose and intent of this measure is to exempt out-of-state physicians who accompany a sports team to a specific sporting event in Hawaii or are invited to provide services at a national sport training center, event, or competition in Hawaii, from state licensure requirements if certain conditions, including providing notice, are met.

Your Committee received testimony in support of this measure from the Hawaii Medical Board.

Your Committee finds that amateur, collegiate, and professional sports teams regularly have an affiliated physician who travels with the team to provide ongoing and emergency medical care. However, existing law does not provide a narrowly tailored exemption from licensure requirements for these physicians. This measure will promote the safety of out-of-state athletes by enabling an affiliated, out-of-state physician to provide medical services to their sports team while within the State for sports-related events.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2768 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Wakai, Fevella).

SCRep. 2904 Commerce, Consumer Protection, and Health on S.B. No. 2875

The purpose and intent of this measure is to allow mixed martial arts promoters to pay fighters in cash.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that section 440E-7(a)(4), Hawaii Revised Statutes, which only allows mixed martial arts promoters pay fighters in either cashier's or certified checks, is not tailored to the realities of mixed martial arts events. According to testimony received by your Committee, last-minute changes on fight cards are common; and because most events are held on a Saturday, when most financial institutions are closed, promoters are unable to get new checks issued to pay their fighters in a timely manner. Your Committee finds that this measure allows promoters the flexibility to make any necessary changes to a fighter's compensation.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2875 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Wakai, Fevella).

SCRep. 2905 Commerce, Consumer Protection, and Health on S.B. No. 2900

The purpose and intent of this measure is to:

- (1) Mandate reporting of diagnostic audiologic evaluation results to improve hearing follow-up of infants; and
- (2) Update definitions and terminology related to newborn hearing screening.

Your Committee received testimony in support of this measure from the Department of Health and Executive Office on Early Learning.

Your Committee finds that the State's public health screening program helps deaf or hard of hearing children reach their developmental milestones and be language-ready for school. However, the Department of Health Newborn Hearing Screening Program does not receive diagnostic audiologic evaluation results for all newborns who do not pass newborn hearing screening. This measure ensures consistent reporting of diagnostic audiologic evaluation results for all infants who do not pass hearing screening and facilitates the appropriate follow-up and support through early intervention services.

Your Committee notes that this measure will address the missing diagnostic audiologic evaluation results that cause great delay in delivering early intervention services for infants who are deaf or hard of hearing.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2900, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2900, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Wakai, Fevella).

SCRep. 2906 Commerce, Consumer Protection, and Health on S.B. No. 2724

The purpose and intent of this measure is to prohibit the use of lead-based paint on outdoor structures after December 31, 2021.

Your Committee received testimony in support of this measure from the Department of Health, Sierra Club of Hawai'i, Human Environmental Impacts Committee of the Environmental Caucus of the Democratic Party of Hawai'i, and two individuals.

Your Committee finds that while the use of lead-based paints for residential structures are restricted, lead-based paints continue to be used on outdoor structures. Additionally, the use, maintenance, and removal of paints containing lead on outdoor structures create lead exposure pathways that are hazardous to workers, contaminate the environment, and expose children and adults who live, work, and play in proximity to these structures. This measure would prevent future contamination from lead-based paint in the environment and enhance the public health of the residents of the State.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2724 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2907 Commerce, Consumer Protection, and Health on S.B. No. 2893

The purpose and intent of this measure is to amend the State's definition of "chronically homeless" to better align with the federal definition and improve the delivery and development of homeless services.

Your Committee received testimony in support of this measure from the Coordinator on Homelessness under the Office of the Governor and one individual. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that in 2015, the United States Department of Housing and Urban Development issued its definition of "chronically homeless". Amending the State's definition of "chronically homeless" to better align with the federal agency's definition will allow more flexibility, efficiency, and consistency in the delivery of homeless services, ensuring that homeless individuals with the highest level of need in the community are able to receive appropriate services.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2893, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

SCRep. 2908 Ways and Means on S.B. No. 2293

The purpose and intent of this measure is to require the Auditor to conduct an audit of the Department of Education to determine whether the Department is meeting its obligations under certain federal legislation.

Specifically, the measure directs the Auditor to assess whether the Department is providing students with a free and appropriate public education that meets each student's individual educational needs as required by the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, and portions of the Americans with Disabilities Act.

Your Committee received written comments in support of this measure from the Hawaii State Teachers Association, Hawaii Disability Rights Center, and one individual.

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that providing the resources and support needed to close the achievement gap between students with special needs and their general education peers is a priority for the State.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2293, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Shimabukuro).

SCRep. 2909 Ways and Means on S.B. No. 2369

The purpose and intent of this measure is to require and appropriate funds for the Department of Hawaiian Home Lands to digitize its beneficiary waiting lists and other related data.

Your Committee received written comments in support of this measure from Panaewa Hawaiian Home Lands Community Association.

Your Committee received written comments on this measure from the Department of Hawaiian Home Lands.

Your Committee finds that this measure will support the ongoing efforts of the Department of Hawaiian Home Lands to implement an electronic document imaging system that converts applicant and lessee records to digital media.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2369, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 2910 Commerce, Consumer Protection, and Health on S.B. No. 2339

The purpose and intent of this measure is to require the Department of Health to develop and coordinate an Alzheimer's Disease and Related Dementia Training Program for care workers whose work involves extensive contact with participants or residents.

Your Committee received testimony in support of this measure from the Alzheimer's Association, Aloha Chapter; and fifteen individuals. Your Committee received comments on this measure from the Department of Human Services, Executive Office on Aging, and Healthcare Association of Hawaii.

Your Committee finds that Alzheimer's disease affects a person's memory and eventually causes the individual to experience difficulties with speech and language skills, vision, decision making, and many other daily activities. As residents of Hawaii have the longest life expectancy of any state, the need for various care facilities is anticipated to grow as the prevalence of Alzheimer's disease increases. Therefore, it is important that the State Plan on Alzheimer's Disease and Related Dementias is updated to ensure that staff in these facilities are adequately trained to work with people with Alzheimer's disease and related dementias.

Your Committee has amended this measure by:

- (1) Deleting language that would have required the Department of Health to develop and coordinate an Alzheimer's Disease and Related Dementia Training Program for care workers whose work involves extensive contact with participants or residents;
- (2) Inserting language that requires the Executive Office on Aging to convene a working group to update the State Plan on Alzheimer's Disease and Related Dementias by identifying the best practices and standards of dementia training in care facilities; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2339, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2339, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

SCRep. 2911 Ways and Means on S.B. No. 2148

The purpose and intent of this measure is to specifically authorize the Campaign Spending Commission to assess administrative fines of \$5,000 per occurrence, or three times the amount of an unlawful contribution or expenditure, against a noncandidate committee that makes only independent expenditures and either receives at least one contribution of more than \$10,000 from a person or makes expenditures of more than \$10,000 in one election period.

Your Committee received written comments in support of this measure from the Campaign Spending Commission, Common Cause Hawaii, and six individuals.

Your Committee finds that this measure will authorize the Campaign Spending Commission to enforce the campaign spending laws against Political Action Committees commonly referred to as "super PACS."

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2148, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2148, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (Inouye, Kahele).

SCRep. 2912 Ways and Means on S.B. No. 2480

The purpose and intent of this measure is to establish a Hawaii Hope Card Program within the Department of the Attorney General to issue cards verifying a person's long-term protective order.

The Department of the Attorney General submitted written comments on the measure.

Your Committee finds that hope cards will provide a more convenient method for protected individuals to prove that a protective order is in place. Your Committee notes that a hope card is not intended to replace an original copy of a protective order granted by a court.

Your Committee has amended this measure by:

- (1) Changing the appropriation amount from \$30,000 to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2480, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2480, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9; Ayes with Reservations (Moriwaki). Noes, none. Excused, 4 (English, Harimoto, Kahele, Shimabukuro).

SCRep. 2913 Ways and Means on S.B. No. 2506

The purpose and intent of this measure is to authorize the use of moneys in the Mental Health and Substance Abuse Special Fund for capital improvement projects.

More specifically, this measure:

- (1) Authorizes the use of moneys in the Mental Health and Substance Abuse Special Fund to finance capital improvements for mental health and substance abuse programs operated by the State; and
- (2) Requires the Department of Health to identify and submit a report to the Legislature on capital improvement projects for which these special fund moneys should be used.

Your Committee received written comments in support of this measure from the Department of Health, Catholic Charities Hawaii, Hawaii Disability Rights Center, Hawaii Health and Harm Reduction Center, Hawaii State Rural Health Association, Hawaii Substance Abuse Coalition, McKenna Recovery Center, Partners in Care, The Queen's Health Systems, and one individual.

Your Committee finds that planning for and funding improvements to the State's mental health and substance abuse treatment infrastructure will enhance the State's ability to provide these services and improve the well-being of persons who need treatment.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2506, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2506, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 7. Noes, none. Excused, 6 (English, Harimoto, Inouye, Kahele, Kidani, Shimabukuro).

SCRep. 2914 Ways and Means on S.B. No. 2485

The purpose and intent of this measure is to broaden the types of grants for which the Department of Education, State Public Charter School Commission, or a charter authorizer may retain and expend federal indirect overhead reimbursements.

Your Committee received written comments in support of this measure from the Department of Education.

Your Committee finds that this measure will authorize state public education agencies to more efficiently use federal grant moneys for their intended purposes.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2485, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2485, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 2915 Ways and Means on S.B. No. 2047

The purpose and intent of this measure is to require the Judicial Council to conduct a thorough study of the Hawaii penal code, to commence in 2021 and be completed no later than forty days prior to the convening of the Regular Session of 2023.

Your Committee received written comments on this measure from the Judiciary and the Office of Hawaiian Affairs.

Your Committee finds that the Hawaii penal code is the fundamental document by which the State addresses criminal conduct. Accordingly, it is imperative that the code receive full and deliberate attention from time to time, to ensure its continued force and effectiveness. Your Committee also finds that previous reviews of the Hawaii penal code have been productive and that another review is now warranted.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2047, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2047, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Shimabukuro).

SCRep. 2916 Ways and Means on S.B. No. 2057

The purpose and intent of this measure is to increase access to career and technical education programs provided by public schools.

Specifically, this measure requires public schools to enroll, subject to program capacity, all students who apply for a career and technical education program, including students who reside outside the school's service area.

Your Committee received written comments in support of this measure from the Hawaii State Teachers Association.

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that since all career and technical programs are not available at every school, this measure will facilitate enabling any student, regardless of where the student lives, to enroll in a career and technical program that most closely matches the student's interests and future goals.

Your Committee has amended this measure by making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2057, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2057, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 2917 Commerce, Consumer Protection, and Health on S.B. No. 2649

The purpose and intent of this measure is to amend section 261-12, Hawaii Revised Statutes, to require tour aircraft operations permit applicants to operate only aircraft that are outfitted with certain Federal Aviation Administration (FAA) approved safety devices.

Your Committee received testimony in support of this measure from the Department of Transportation, Hawaii Island Coalition Malama Pono, O'ahu Tour Helicopter Safety and Noise Inter-Action Group, Kailua Neighborhood Board No. 31, Pearl City Neighborhood Board No. 21, Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5, thirteen individuals, and a petition signed by one hundred eighty-six individuals. Your Committee received testimony in opposition to this measure from Mauna Loa Helicopters, Paradise Helicopters Hawai'i, Hawaii Helicopter Association, Jack Harter Helicopters, Magnum Helicopters, and six individuals.

Your Committee finds that Hawaii has experienced recent events that have escalated public concern for the safety of tour helicopters. Hawaii residents continue to express concerns that the widespread self-regulated operation of helicopters and other small aircraft pose significant safety risks for not only those in the air, but also those on the ground below. This measure would require that helicopter tour operators comply with existing FAA requirements by outfitting their tour aircraft with FAA-approved safety flotation devices and automatic dependent surveillance-broadcast devices before being granted permits to operate.

Your Committee further finds that there are numerous studies on what effect aircraft noise has on humans. As this measure continues to move through the legislative process, your Committee encourages those committees hearing this measure to determine an appropriate definition for the term "noise footprint".

Your Committee has amended this measure by inserting language providing that:

- (1) All tour aircraft permit holders shall be prohibited from allowing the noise footprint of their tour aircraft to enter any occupied property; and

- (2) Failure to comply with the requirements imposed by this measure shall result in the denial of a permit or rescission of permit.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2649, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2649, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2918 Commerce, Consumer Protection, and Health on S.B. No. 2727

The purpose and intent of this measure is to exempt a beverage dealer who is located in a high density population area from operating a redemption center if the dealer is located within one mile of a certified redemption center operated independently of the dealer.

Your Committee received testimony in support of this measure from the Department of Health and Reynolds Recycling. Your Committee received testimony in opposition to this measure from the Hawaii Food Industry Association.

Your Committee finds that since January 2005, the deposit beverage container program has encouraged residents to recycle, which helps to remove containers from the waste stream and reduce litter in the community. The program certifies independent recycling companies to operate redemption centers that collect recyclable containers and provide Hawaii consumers with refunds of the five-cent deposit fee that is paid for eligible containers.

Your Committee further finds that under the deposit beverage container program, dealers are required to operate a redemption center unless the dealer is located in a high-density population and within two miles of a certified redemption center that is operated independently of a dealer. This results in a significant number of dealers being exempt from operating redemption centers. Therefore, limiting the exemption to one mile from a certified redemption center that is operated independently of a dealer provides more recycling opportunities to Hawaii consumers and improves the State's recycling rates.

Your Committee notes that S.B. No. 2726, S.D. 1 (Regular Session of 2020) contains language that requires annual adjustment of the deposit beverage container program handling fees, but has a measure title that may be too restrictive for its contents.

Therefore, your Committee has amended this measure by:

- (1) Inserting the contents of S.B. No. 2726, S.D. 1, a measure that requires the Department of Health to annually adjust the handling fees for the deposit beverage container program to an amount not less than the handling fee in the prior calendar year as adjusted by percentage changes in the Consumer Price Index for the Honolulu area; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2727, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2727, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2919 Commerce, Consumer Protection, and Health on S.B. No. 2532

The purpose and intent of this measure is to establish a class of artisan-scale composting operations exempt from Department of Health regulations to divert organic materials from Hawaii's landfills.

Your Committee received testimony in support of this measure from the Democratic Party of Hawai'i, Hawaii Forest Stewards, Zero Waste Big Island, Momilani Farm, Pele Lani Farm LLC, Aina Design, Sustainable Island Products, Down to Earth Organic and Natural, Recycle Hawaii, and thirty-four individuals. Your Committee received comments on this measure from the Department of Health and one individual.

Your Committee finds that the use of composted organics with their vast stores of macro- and micro-nutrients greatly improves the health of all soils in ways that protect and enhance natural systems. Because organics in landfilled waste are the largest source of human-generated methane, and because methane is a greenhouse gas, the diversion of waste organics into composting programs offers the least costly and most direct method for significantly reducing the amount of methane emitted from Hawaii's landfills. This measure allows for the establishment of a statewide composting distribution system that diverts organic materials from Hawaii's landfills to further serve the needs of farmers and rural communities.

Your Committee has amended this measure by:

- (1) Placing the proposed statutory language under chapter 342H, Hawaii Revised Statutes, rather than chapter 225P, Hawaii Revised Statutes;
- (2) Clarifying that artisan-scale operations are exempt from only composting permitting requirements and related rules;
- (3) Deleting provisions related to precipitation, surface water, and groundwater that has come into contact with yard trimmings or the resultant product;
- (4) Inserting language that requires artisan composters to maintain records;
- (5) Clarifying the definition of "artisan scale" by specifying non-pathogenic organic materials; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2532, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2532, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2920 Commerce, Consumer Protection, and Health on S.B. No. 2432

The purpose and intent of this measure is to:

- (1) Remove the requirement that the Director of Commerce and Consumer Affairs take into account the geography and topography of a proposed service area, and the present, planned, and potential expansion in facilities or cable services in determining the service area of an applicant's proposed cable system and existing cable systems; and
- (2) Require that the Director of Commerce and Consumer Affairs require cable operators to provide cable service to residences in their service area where there is a minimum density of at least twenty-five homes per linear mile, with certain exceptions.

Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and Charter Communications.

Your Committee finds that because of the importance of being aware of today's current events, a lack of access to cable television service places a burden and hardship upon residents of the State that live in certain areas. This measure provides residents in these areas with access to cable services based on demonstrated cable-related community needs and promotes consumer choice among competing cable service providers.

Your Committee has amended this measure by:

- (1) Expanding the exemption to service deployment requirements to include conditions in which a person offers video programming or a video programming service;
- (2) Inserting language that exempts cable operators from minimum density requirements where it is technically infeasible to offer service or if the cable operator is unable to obtain reasonable access to the facilities necessary to build out its cable system;
- (3) Inserting language that authorizes the Director of Commerce and Consumer Affairs to grant waivers from service deployment requirements;
- (4) Inserting an effective date of January 2, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2432, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2432, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2921 Commerce, Consumer Protection, and Health on S.B. No. 2474

The purpose and intent of this measure is to:

- (1) Authorize the Department of Agriculture, in conjunction with the Hawaii Ant Lab, to identify best practices for the treatment of little fire ants;
- (2) Require the Department of Agriculture to post on its website best practices for the treatment of little fire ants; and
- (3) Allow the Pest Control Board to revoke, suspend, or refuse to renew any license for violation of any best practice identified by the Department of Agriculture.

Your Committee received testimony in support of this measure from the Department of Agriculture, Pest Control Board, Office of the Mayor for the County of Hawai'i, Hawaii Pest Control Association, and two individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that invasive species are the primary threat to Hawaii's agriculture and economy. The little fire ant is a significant pest that can negatively impact Hawaii's natural resources, agriculture, economy, and the health and safety of Hawaii's residents and visitors. The Department of Agriculture is a funder and partner of the Hawaii Ant Lab, a project of the University of Hawaii Pacific Cooperative Studies Unit. The Hawaii Ant Lab employs a dual approach of applying insect growth regulators followed by a barrier treatment for combating little fire ants, which has been successful in controlling infestations on properties of homeowners and farmers. This measure would authorize the Department of Agriculture and the Hawaii Ant Lab to identify best practices and make those best practices known to a wide audience and enforceable by the Board of Pest Control to help protect our communities from little fire ants.

Your Committee has amended this measure by making technical, nonsubstantive amendments for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2474, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2474, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2922 Commerce, Consumer Protection, and Health on S.B. No. 2808

The purpose and intent of this measure is to:

- (1) Establish rules, regulations, and permitting procedures for transportation network companies operating in the State; and
- (2) Make permanent insurance requirements for transportation network companies and transportation network drivers.

Your Committee received testimony in support of this measure from the Department of Transportation; Hawaii Passenger and Property Carriers Association; and Uber Technologies, Inc. Your Committee received testimony in opposition to this measure from Roberts Hawaii, Inc. Your Committee received comments on this measure from the Consumer Data Industry Association.

Your Committee finds that driver screening and other operating requirements for transportation network companies are currently only mandated for the City and County of Honolulu. This measure incorporates consensus language between the Department of Transportation and other stakeholders to uniformly regulate transportation network companies across all islands and will help promote public safety for those that utilize transportation network companies as a transportation option.

Your Committee notes the concerns raised in the testimony of the Consumer Data Industry Association that this measure's requirement to have background checks performed only by those companies accredited by the Professional Background Screening Association (PBSA) is problematic and restrictive. As PBSA is a trade association and not a regulatory body, an accreditation from PBSA does not necessarily make background screenings compliant with federal law. Accordingly, an amendment to this measure is necessary to address this concern and remove this limitation.

Your Committee has amended this measure by requiring transportation network companies to conduct a national and local criminal background check for each applicant and driver on an annual basis, and deleting the use of a third-party commercial background check company accredited by the PBSA to perform the required check.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2808, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2808, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2923 Commerce, Consumer Protection, and Health on S.B. No. 2961

The purpose and intent of this measure is to make general contractors entering into or under contracts in the State for work on buildings, structures, or other private works liable for debt incurred by subcontractors for wages due to claimants for the performance of labor in a contract between the general contractor and the owner.

Your Committee received testimony in support of this measure from the Hawaii Regional Council of Carpenters. Your Committee received testimony in opposition to this measure from the Plumbing and Mechanical Contractors Association of Hawaii, Subcontractors Association of Hawaii, and one individual. Your Committee received comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that existing law does not extend liability to general contractors for the unfair labor practices of their subcontractors, including unpaid wages. As a result, some Hawaii workers are not fairly protected and go unpaid for work that ultimately benefits the general contractor. This measure helps to ensure that general contractors do not turn a blind eye to the unscrupulous actions of their subcontractors and holds general contractors liable for debts incurred by subcontractors for unpaid wages due to their employees.

Your Committee has amended this measure by:

- (1) Clarifying that property of the general contractor may be attached for the payment of any judgment, not just judgments rendered after a trial, to allow the Department of Labor and Industrial Relations to continue enforcement after initiating administrative actions; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2961, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2961, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2924 Commerce, Consumer Protection, and Health on S.B. No. 2336

The purpose and intent of this measure is to require the thirty-day lapse or termination notices for long-term care policies to be sent by certified mail, priority mail, commercial delivery service, or other method of delivery requiring proof of delivery.

Your Committee received testimony in support of this measure from the Alzheimer's Association, Aloha Chapter. Your Committee received testimony in opposition to this measure from the American Council of Life Insurers. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that Hawaii has a long history of respecting and helping its kupuna. Accordingly, your Committee finds that additional protections are needed to help seniors avoid unintended lapses or terminations of their long-term care insurance for non-payment of premiums. This measure would require the thirty-day lapse or termination notices for long-term care policies to be sent via certified mail, priority mail, commercial delivery service, or other method of delivery requiring proof of delivery.

Your Committee has amended this measure by:

- (1) Inserting language that requires thirty-day lapse or termination notices to be marked with the words “cancellation notice” or “lapse notice” in large font on the front of the envelope or visible through the envelope window; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2336, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2336, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2925 Judiciary on S.B. No. 1175

The purpose and intent of this measure is to:

- (1) Amend chapter 846E, Hawaii Revised Statutes, the covered offender registration law, to require defendants charged with a covered offense to register whether they were subsequently involuntarily hospitalized; found unfit to proceed; had charges dismissed by reason of physical or mental disease, disorder, or defect; or were acquitted by reason of physical or mental disease, disorder, or defect;
- (2) Clarify that persons required to register pursuant to section 846E-2(b), Hawaii Revised Statutes, are covered offenders; and
- (3) Clarify that criminal justice agencies that are responsible for administering the covered offender registration program are authorized to access confidential registration information necessary to facilitate the required registration and verification provisions of chapter 846E.

Prior to decision making on this measure, your Committee made available for public review a proposed S.D. 1 of this measure. The proposed S.D. 1 deletes the measure’s contents and inserts language to repeal the provision that allows persons who establish or maintain a residence in this State and are designated as covered offenders in another state or jurisdiction, but not by a Hawaii court, to petition the Attorney General for termination of registration requirements upon demonstrating that the out-of-state convictions are not covered offenses under Hawaii law.

Your Committee received testimony in support of the Proposed S.D. 1 from the Department of the Attorney General and one individual. Your Committee received testimony in opposition to the Proposed S.D. 1 from Washington Voices.

Your Committee finds that existing sex offender registration laws allow out-of-state persons who intend to visit in Hawaii for ten or more days and persons who establish or maintain a residence in Hawaii, and who have been or are required to be registered in another state as a sex offender to avoid registration by establishing that the other state has removed their status or demonstrating that the out-of-state conviction in their state is not for covered offenses under Hawaii law so that they do not meet the criteria for registration as a covered offender in Hawaii.

Your Committee further finds that allowing out-of-state covered offenders to avoid registering as a sex offender in Hawaii by demonstrating that Hawaii’s law is different from the law of the state that required the person to register as a sex offender is an unintended loophole in the registration law. This measure closes the loophole by requiring those persons who have been designated as any sexual offender designation in another state, who is or would be required to be on a sex offender registry in that state, to be subject to registration requirements in the State of Hawaii.

Your Committee has amended this measure by adopting the proposed S.D. 1. and further amending the measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1175, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1175, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 2926 Judiciary on S.B. No. 2110

The purpose and intent of this measure is to require the family court to appoint an attorney to represent a legal parent who is indigent, based on court-established guidelines, unless the legal parent knowingly and voluntarily waives the right to appointed counsel on the record.

Your Committee received testimony in support of this measure from the Hawai‘i Access to Justice Commission, American Civil Liberties Union of Hawai‘i, National Coalition for a Civil Right to Counsel, Hawaii Parent Advocacy Team, Hawaii Appleseed Center for Law and Economic Justice, and one individual. Your Committee received comments on this measure from the Department of the Attorney General, Department of Human Services, and Judiciary.

Your Committee finds that indigent parents are guaranteed the right to court-appointed counsel in termination of parental rights proceedings under the due process clause of the Hawaii State Constitution; however, existing law authorizes the family court to determine whether to appoint an attorney to represent a legal parent who is indigent based on court-established guidelines. The

resulting case-by-case approach for court-appointed counsel fails to protect an indigent parent's liberty interest in the care, custody, and control of the parent's children. This measure ensures the due process rights of indigent parents by requiring the court to appoint counsel to indigent parents and to make every effort to do so at the first hearing attended by the parent or parents.

Your Committee has amended this measure by deleting language that is unnecessary to ensure that the family court shall appoint counsel for indigent parents in both foster custody and family supervision cases.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2110, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2110, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 2927 Judiciary on S.B. No. 2633

The purpose and intent of this measure is to establish the offense of unauthorized attachment of an object to a fence, gate, wall, or other structure as a petty misdemeanor.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that public sidewalks are increasingly obstructed by tents, illegal structures, signs, and other objects attached to adjacent property, such as fences, walls, gates, and other privately owned structures. Your Committee further finds that existing law does not adequately empower law enforcement officers to summarily detach these objects from the private property, forcing property owners to initiate civil complaints through the courts. This measure prohibits the attachment of objects to fences and other structures without permission by the owner, and facilitates the removal of objects attached in this manner, by establishing the criminal offense of unauthorized attachment of an object to a fence, gate, wall, or other structure.

Your Committee has amended this measure by:

- (1) Clarifying that the term "object" means any material thing that can be seen and touched, including but not limited to tarps, ropes, signage, and any communication that falls under the definition of "advertisement" in section 11-302, Hawaii Revised Statutes; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2633, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2633, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 2928 Judiciary on S.B. No. 3151

The purpose and intent of this measure is to require that any pair of separate-gender public restrooms or separate-gender toilet facilities of any public amusement facility constructed, renovated, retrofitted, or installed after January 1, 2021, shall have two exclusively female-use toilets for each exclusively male-use toilet and two exclusively female-use toilets for each exclusively male-use urinal.

Your Committee received comments on this measure from the Department of Land and Natural Resources and Hawai'i Civil Rights Commission.

Your Committee finds that women have unequal access in the use and enjoyment of public restroom facilities and that unequal access is a form of discrimination based upon sex. For reasons of anatomy and culture, women require greater accommodations to attend to their needs. Thus, in the interest of equality, separate-gender public restrooms and toilet facilities should provide women with equal access to toilets as men. Your Committee further finds that the availability of unisex or gender-neutral bathroom facilities resolves a number of equality concerns and therefore encourages public amusement facilities to consider installing such facilities whenever the opportunity should arise.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3151 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 2929 Judiciary on S.B. No. 677

The purpose and intent of this measure is to:

- (1) Limit the use of tethers and certain other types of restraints that are known to endanger dogs or prevent dogs from receiving necessary sustenance;
- (2) Allow tethering for not more than twenty-four consecutive hours, but only by means of a chest harness around a dog; and
- (3) Prohibit the sale, distribution, or use of electric shock dog collars.

Your Committee received testimony in support of this measure from Seattle TTouch LLC, ProDog Hawaii, Pawsitive Pals Plus, and ten individuals. Your Committee received testimony in opposition to this measure from Ulupalakua Ranch; Partnership for Electronic Training Technology; Hawaii Cattlemen's Council, Inc.; Sit Means Sit Dog Training; Kohala Animal Relocation and Education Service; YourVet Maui; Advanced K-9s, International Association of Canine Professionals; Paw and Order Dog Training; Woof Gang Rehab and Rescue; Bark! Bark! BackYard; Mutts and Manners Dog Training; Off Leash K9 Training; The Noble Dogs; Zuri Pet Rescue; Smart K9 Training; and over two hundred fifty individuals.

Your Committee received testimony in support of the proposed S.D. 1 from the Hawaiian Humane Society, Pono Advocacy, The Humane Society of the United States, Stop Hawaii Dog Abuse, Animal Rights Hawai'i, Aloha Animal Advocates, Animal Interfaith Alliance, and fifty-eight individuals. Your Committee received testimony in opposition to the proposed S.D. 1 from four individuals. Your Committee received comments on this measure or the proposed S.D. 1 from one individual.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which deletes the contents of the measure and inserts language to:

- (1) Prohibit specified trolleys, pulleys, cables, or running lines designed to attach a dog to two stationary objects in a configuration that endangers the dog, including by depriving the dog of sustenance;
- (2) Prohibit tethering or restraining a dog under the age of six months unless the dog is engaged in an activity supervised by its owner or an agent of its owner;
- (3) Prohibit tethering or restraining a dog with a tow or log chain if the tow or log chain inhibits the free movement of the dog;
- (4) Prohibit tethering or restraining a dog with a choke collar, pinch collar, or prong collar unless the dog is engaged in an activity supervised by its owner or an agent of its owner; and
- (5) Take effect on October 1, 2020.

Your Committee finds that keeping a dog restrained or tied to a stationary object, known as tethering, for short periods of time may be acceptable for purposes such as exercising, training, or taking the dog outdoors; however, continual restraint over a long period of time significantly restricts a dog's movement, which can lead to neglect, injury, and behavior changes, including the dog becoming neurotic, anxious, and aggressive. Therefore, your Committee finds that allowing dogs to be continually tethered or chained poses a greater danger to the dog as well as to people, whereas restricting this practice to appropriate circumstances can protect pets and make communities safer by reducing dog bites and attacks.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 677, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 677, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2930 Judiciary on S.B. No. 2109

The purpose and intent of this measure is to require the court and the prosecution in all criminal proceedings of criminal offenses perpetrated against a minor, or any other criminal proceedings involving a minor victim or minor witness of any physical abuse, to take appropriate action, including setting the case for priority in the court docket, to ensure a prompt trial in order to minimize the length of time a minor must endure the stress of the minor's involvement in the proceedings.

Your Committee received testimony in support of this measure from The Sex Abuse Treatment Center, Pacific Alliance to Stop Slavery, CHILD USA, LGBT Caucus of the Democratic Party of Hawai'i, and thirteen individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that criminal proceedings in which a sexual or abusive offense has been committed against a minor can have long term negative effects on victims. Delays in criminal proceedings exacerbate the trauma of abusive events and prolong the healing process for the victims. Your Committee believes that the young victims of these especially heinous crimes are subject to a greater vulnerability than victims of other crimes and therefore should be prioritized to protect against further trauma and stress caused by delays in the criminal proceedings so that healing may begin and victims and their families can move forward with their lives. Your Committee also recognizes that defendants are subject to state and constitutional protections to ensure a fair and speedy trial. Therefore, your Committee's intent is to mitigate harm to minor victims of sexual and abusive offenses without infringing upon the state and constitutional rights of the defendant.

Accordingly, your Committee has amended this measure by:

- (1) Limiting the prioritizing by the court and prosecution of cases on the court docket to only criminal proceedings for abuse or sexual offenses against a minor child;
- (2) Requiring the court to take into consideration the potential adverse impact the delay may have on the minor's well-being and to grant a continuance only when not doing so would result in a state or federal constitutional violation;
- (3) Deleting language that would have required the court to commence trial within twelve months and to impose sanctions against a defense attorney who is unprepared to commence trial in the absence of good cause; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2109, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2109, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2931 Judiciary on S.B. No. 2121

The purpose and intent of this measure is to establish the offense of interference with the operation of an automated public transit vehicle, system, or service as a class C felony.

Your Committee received testimony in support of this measure from the Department of Transportation Services of the City and County of Honolulu. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that under existing law, it is a class C felony for a person to interfere with the operator of a public transit vehicle, which includes causing or threatening bodily injury to the operator. As technology advances, transit vehicles no longer require an operator and may be operated remotely or through automation. Your Committee finds that although interference with an automated public transit vehicle should not be tolerated, such activity should not rise to the level of a felony offense unless it results in serious bodily injury to a person.

Accordingly, your Committee has amended this measure by:

- (1) Deleting causing delay as a possible element of the offense;
- (2) Deleting the term "automated", thereby applying the offense to all public transit vehicles, systems, and services;
- (3) Specifying that a person commits the offense of interference with the operation of a public transit vehicle if the person interferes with the operation of a public transit vehicle by intentionally, knowingly, or recklessly causing the malfunction or breakdown of operation of a public transit vehicle, system, or service that results in serious bodily injury to or death of any person; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2121, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2121, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2932 Judiciary on S.B. No. 2145

The purpose and intent of this measure is to:

- (1) Provide that the right to a contested case hearing is deemed waived if a person does not request a hearing within twenty days of receipt of the Campaign Spending Commission's preliminary determination; and
- (2) Permit an order of the Campaign Spending Commission to be confirmed as a judgment in the Circuit Court, giving the order the same force and effect as any other judgment issued by the Circuit Courts; provided that there shall be no appeal from the judgment.

Your Committee received testimony in support of this measure from the Campaign Spending Commission, Common Cause Hawaii, and two individuals. Your Committee received comments on this measure from the Department of the Attorney General and one individual.

Your Committee finds that orders of the Campaign Spending Commission should have the same force and effect as any other judgment issued by the Circuit Courts. Furthermore, your Committee finds that requiring a person to request a hearing within twenty days of receipt of the preliminary determination, or otherwise waive the right to a contested case hearing, is unreasonable; therefore, your Committee believes that this time period should be extended to thirty days.

Your Committee has amended this measure by:

- (1) Extending the deadline for requesting a contested case hearing after a preliminary determination of probable cause by the Campaign Spending Commission from within twenty days to within thirty days of receipt of the preliminary determination; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2145, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2145, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2933 Judiciary on S.B. No. 2153

The purpose and intent of this measure is to establish the offense of unauthorized detention of a propelled vehicle, which applies if a propelled vehicle is stolen and a person obtains possession of the vehicle from another without first making a reasonable inquiry as to whether the other party had the legal right to sell or deliver the vehicle.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and Honolulu Police Department. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and one individual.

Your Committee finds that there are number of statutory provisions enacted to address the high number of vehicle thefts that occur in the State, especially on the island of Oahu. Frequently, a stolen vehicle is recovered during the commission of a crime or after it has been used to commit other crimes. Under existing law, it can be difficult to prove that a defendant operating or occupying a stolen vehicle knew that the vehicle was stolen. This measure establishes the offense of unauthorized detention of a propelled vehicle to place criminal liability on individuals who recklessly or negligently take possession of a vehicle that may be stolen.

Your Committee has amended this measure by:

- (1) Designating the existing offense of unauthorized control of a propelled vehicle as an offense in the first degree;
- (2) Establishing the offense of unauthorized control of a propelled vehicle in the second degree, which occurs when a person recklessly or negligently exerts unauthorized control over another's propelled vehicle by operating the vehicle without the owner's consent or by changing the identity of the vehicle without the owner's consent;
- (3) Amending section 1 to reflect its amended purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2153, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2153, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 2934 Judiciary on S.B. No. 2183

The purpose and intent of this measure is to amend the definition of "property" as used in chapter 708, Hawaii Revised Statutes, to expressly include intellectual property and property stored on an electronic device for purposes of prosecuting property crimes.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, and one individual. Your Committee received comments on this measure from the Office of the Public Defender.

Your Committee finds that in the modern digital age, property that is stored on an electronic device has just as much value as property in hard copy form. Your Committee also finds that intellectual property should be protected from property theft in the same manner in which existing law protects real and personal property. This measure amends the definition of property for purposes of offenses against property to expressly include intellectual property and property stored on an electronic device.

Your Committee has amended this measure by:

- (1) Inserting a definition of "intellectual property"; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2183, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2183, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 2935 Judiciary on S.B. No. 2150

The purpose and intent of this measure is to amend the offense of disorderly conduct to include engaging in any conduct with an intent to convey false or misleading information that may be reasonably believed and indicates a firearm or widely dangerous means may be used to inflict death, bodily injury, or property damage.

Your Committee received testimony in support of this measure from the Department of Defense and two individuals.

Your Committee finds that the conveyance of messages containing threats of violence, mass violence, or destruction of property using various media including the internet, is a matter of growing public concern. These messages are often intended as pranks, or are intended to disrupt services such as the operations of educational facilities, and result in the unnecessary expenditure of significant resources by law enforcement agencies. Existing law, as interpreted in recent court decisions, does not criminalize the making of false or misleading threats; thus, this measure includes such activity under the offense of disorderly conduct, a petty misdemeanor offense, providing law enforcement with a new mechanism by which to deter and otherwise hold accountable the makers of certain threats.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2150 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2936 Judiciary on S.B. No. 2156

The purpose and intent of this measure is to amend the offense of theft in the second degree to include theft of property commonly used to store items of personal or monetary value, including any purse, handbag, or wallet.

Your Committee received testimony in support of this measure from the Honolulu Police Department and nine individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that the State's penal code does not adequately address situations in which an offender takes the property of another that is commonly used to store items of personal or monetary value, including purses, handbags, or wallets. Under existing law, the prosecution must prove beyond a reasonable doubt that an accused offender intended to steal real property, such as a purse or wallet, valued in excess of \$750 to convict a defendant of theft in the second degree. Commonly, purses and wallets are not valued at more than \$750; however, these items often contain personal information of the victim as well as the victim's family, friends, and acquaintances; sensitive medical and financial information; workplace information; photos; and other personal items of sentimental value that may be irreplaceable. Therefore, theft of a purse or wallet can result in mental and emotional hardship beyond any loss of monetary value. Your Committee finds that inclusion of the theft of purses, handbags, and wallets under the offense of theft in the second degree may deter potential offenders from committing such acts, thereby increasing public safety.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2156 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 2937 Judiciary on S.B. No. 2182

The purpose and intent of this measure is to include class C felony offenses relating to abuse of a family or household member under repeat offender sentencing guidelines.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, and three individuals.

Your Committee finds that domestic violence is a serious social issue in Hawaii. Despite a number of state laws that protect victims of domestic violence, aim to prevent future incidents of domestic violence, and penalize and provide assistance to domestic violence offenders, the rates of domestic violence occurring in Hawaii have not decreased. Of great concern is the number of domestic violence incidents committed by repeat domestic violence offenders. Advocates for stronger domestic violence laws contend that part of the problem is that existing laws lack any real consequences to domestic violence offenders, and so they do not effect change in offender's behavior. By including class C felonies relating to the offense of abuse of a family or household member in repeat offender sentencing, repeat domestic violence offenders will face stricter penalties for unchanged behavior.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2182 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2938 Commerce, Consumer Protection, and Health on S.B. No. 2544

The purpose and intent of this measure is to clarify and update the scope of practice and licensure requirements for acupuncture practitioners.

Your Committee received testimony in support of this measure from the Hawaii Acupuncture Association, Institute of Clinical Acupuncture and Oriental Medicine, AcuPlan Hawaii, Kailua Acupuncture Clinic, and thirteen individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and the Board of Acupuncture.

Your Committee finds that existing laws relating to the scope of practice for acupuncturists have not been updated in more than twenty years and do not adequately describe the leading requirements or methods and techniques learned in the educational body of training used today. Education, research, biomedical training, and terminology have all evolved and advanced within the profession and updates are necessary to continue to meet current best standards of practice to treat and care for Hawaii residents. This measure updates the scope of practice for acupuncturists to keep current with national standards and licensing requirements as the profession further integrates into mainstream medicine.

Your Committee has amended this measure by:

- (1) Clarifying the definition of "practice of acupuncture" to include examination, diagnosis, and treatment of a patient using the invasive procedure of piercing the skin by inserting needles into the patient, auricular therapy, scalp, dry needling acupuncture, certain non-invasive procedures, traditional therapeutic means, and other procedures as determined by the board;
- (2) Clarifying that the examination and education requirements managed, verified, and administered by the National Certification Commission for Acupuncture and Oriental Medicine, in accordance with the standards adopted by its Accreditation Commission, shall apply to new licenses;

- (3) Clarifying that the nine-hundred-hour clinical internship program requirement may be obtained from an accredited institute or school awarding the diploma and shall be obtained under the supervision of a licensed acupuncturist affiliated with an accredited institute or school; and
- (4) Reverting to the existing statutory language regarding certain requirements for applicants who graduated from a foreign institute, school, or college with a formal program in the science of acupuncture.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2544, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2544, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Wakai, Fevella).

SCRep. 2939 Commerce, Consumer Protection, and Health on S.B. No. 2655

The purpose and intent of this measure is to exempt a public utility from seeking approval from the public utilities commission to place, construct, erect, or build a high-voltage electric transmission system under certain circumstances.

Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and the Public Utilities Commission.

Your Committee finds that the Public Utilities Commission (Commission) currently reviews all proposals for the construction of high-voltage transmission lines to determine whether transmission line systems should be built above ground or below ground. As part of that review, the Commission evaluates whether the benefits of undergrounding, as opposed to overhead construction, justify the total cost to the utility's ratepayers. It is often significantly more expensive to build transmission lines below ground than above ground, and when the utility is paying these costs, the burden is passed onto the ratepayers. However, if an entity other than a public utility is responsible for the cost of undergrounding, there is no direct ratepayer burden. This measure exempts a public utility in these circumstances from seeking approval from the Commission, under certain conditions, to reduce the workload of the Commission.

Your Committee notes the concerns raised in the testimony of the Department of Commerce and Consumer Affairs that the Commission should retain some approval authority, if necessary, in the event a proposed project is not consistent with certain policies promulgated by the Commission. Additionally, if the placement of the proposed transmission infrastructure is in an area that is likely to be inundated due to sea level rise, while the initial project costs may be covered by a contribution in aid of construction, replacement costs of the projects are generally recovered from ratepayers and the Commission should require the utility to determine why the project should not consider a better alternative in such circumstances. Accordingly, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Clarifying that a public utility shall not be required to seek approval from the Public Utilities Commission if the electric transmission system is to be built underground and the entire cost due to building underground, rather than above ground, is paid by an entity as a contribution in aid of construction; and
- (2) Inserting language that allows the Public Utilities Commission sixty days to take action on a report from the public utility that describes the details and costs of the electric transmission system, after which it shall be assumed that the public utility may proceed with the project.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2655, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2655, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2940 Commerce, Consumer Protection, and Health on S.B. No. 2439

The purpose and intent of this measure is to require insurers, mutual benefit societies, and health maintenance organizations to provide coverage for the cost of auto-injectable epinephrine for insured persons eighteen years of age or younger, beginning January 1, 2021.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Department of the Attorney General, Department of Commerce and Consumer Affairs, Hawaii Employer-Union Health Benefits Trust Fund Board of Trustees, and the Hawaii Medical Service Association.

Your Committee finds that epinephrine is necessary to prevent deadly anaphylaxis. Pharmaceutical companies have dramatically increased the prices for lifesaving auto-injectable epinephrine in the past, jeopardizing access to this critical drug. This measure requires health insurers to provide coverage for the cost of auto-injectable epinephrine to ensure minors have increased access to it, if necessary.

Your Committee has heard the concerns raised in testimony of the Department of the Attorney General that this measure may be considered an additional mandated benefit that would require an impact assessment report. Your Committee notes that this measure is of urgent significance to a substantial sector of the population and is necessary to help ensure that minors have access to lifesaving medication. No solutions or tailored language has been offered to help provide respite from procedures that create barriers to urgently needed care and supplies, and your Committee accordingly finds that it is unreasonable to expect persons in need to jump through multiple hoops in order to get urgent legislation passed. Your Committee therefore finds that this measure addresses a substantial public health care concern that warrants immediate redress pursuant to this measure.

Your Committee has further heard the concerns that this measure, as written, may result in health plans providing coverage for a dosage form that is meant for a teenager (e.g. a child over sixty-six pounds), but denying coverage for those dosage forms that apply to younger children that weigh less than sixty-six pounds. Therefore, amendments to this measure are necessary to ensure coverage for all insureds under eighteen years of age.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that insurers, mutual benefit societies, and health maintenance organizations shall be required to provide coverage for the cost of auto-injectable epinephrine, based on appropriate weight-based dosage, for insured persons eighteen years of age or younger;
- (2) Clarifying this measure is exempt from the impact assessment report required by section 23-51, Hawaii Revised Statutes; and
- (3) Making conforming technical amendments for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2439, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2439, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Wakai, Fevella).

SCRep. 2941 Commerce, Consumer Protection, and Health on S.B. No. 2424

The purpose and intent of this measure is to clarify the definition of the practice of medicine to provide uniformity of practice for both medical and osteopathic physicians.

Your Committee received testimony in support of this measure from the Hawaii Medical Board and the Hawaii Medical Association. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that the definition of “practice of medicine” was amended in 2008 by adding a separate, distinct definition of “osteopathic medicine”. Because medical doctors and osteopathic doctors receive the same training, this distinction is not necessary. Eliminating this distinction will further help foster consistency in enforcement for these professions. Additionally, the definition of “practice of medicine” should be updated because the practice of medicine not only includes the treatment of disease, as the current definition provides, but also includes additional services that are now commonplace in the practice of modern medicine. Accordingly, this measure expands the scope of practice of medicine beyond merely treating disease and provides tangible grounds for evaluating physician compliance with existing licensure laws.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2424, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2424, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Wakai, Fevella).

SCRep. 2942 Commerce, Consumer Protection, and Health on S.B. No. 2876

The purpose and intent of this measure is to amend various portions of Hawaii Revised Statutes to update and improve existing insurance code provisions.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Hawaii Insurers Council, and the Hawaii Medical Service Association. Your Committee received testimony in opposition to this measure from the American Association of Public Insurance Adjusters.

Your Committee finds that there are certain areas of the insurance code that have not been updated in decades. This measure will, among other things, help reduce the potential for exorbitant commissions for public adjusters, establish a uniform standard of conduct agreement for various limited lines to reduce the potential for consumer misinformation and harm, reinsert inadvertently deleted provisions concerning the right to an administrative hearing in certain situations, and make other necessary administrative amendments to the insurance code to enhance consumer protection.

Your Committee has amended this measure by:

- (1) Clarifying that a public adjuster contract shall not contain any contract term that precludes an insured from pursuing civil remedies;
- (2) Inserting a severability clause; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2876, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2876, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Wakai, Fevella).

SCRep. 2943 Commerce, Consumer Protection, and Health on S.B. No. 2423

The purpose and intent of this measure is to:

- (1) Establish requirements for unanticipated medical billing and unanticipated coverage gaps of patients for out-of-network emergency services received from non-participating providers; and
- (2) Specify the circumstances in which health care providers and facilities can bill health carriers and enrollees for health intervention services that are medical necessities.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Hawaii Employer-Union Health Benefits Trust Fund Board of Trustees, Hawaii Medical Assurance Association, The Queen's Health Systems, and the Hawaii Medical Service Association. Your Committee received testimony in opposition to this measure from the Hawaii Medical Association and the Hawaii Chapter of the American College of Emergency Physicians. Your Committee received comments on this measure from Healthcare Association of Hawaii, Hawai'i Pacific Health, Hawaii Health Systems Corporation, Maui Health System, and Kaiser Permanente Hawai'i.

Your Committee finds that, in emergency situations, patients sometimes do not have the time or ability to ensure that all emergency treatments they receive will fall within their medical plan coverages, thereby resulting in their receipt of surprise balance billings. Hawaii does not currently impose any limitations on the charges that non-participating emergency care providers can assess on patients after their health insurer has been billed, which can create significant financial hardships. This measure provides important protections to safeguard patients from surprise medical billings in emergency situations.

Your Committee has heard the concerns raised in testimony that this measure, as written, puts the burden on resolving balance billing issues on providers and sets rates at Medicare levels. This can be problematic because the rates Medicare pays generally covers only eighty to ninety percent of costs. Many practitioners in Hawaii have cited insufficient payment for services as a factor that makes it difficult to practice in this State, and rate-setting may further contribute to Hawaii's current physician shortage. Additionally, there are some service lines that Medicare does not pay for, which could create other issues for determining payments. Accordingly, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Deleting language that would have prohibited a non-participating provider from billing the enrollee, managed care plan, or other entity any amount in excess of what the provider would be entitled to charge a Medicare enrollee who receives emergency services that would be owed by a Medicare enrollee to the non-participating provider for the services;
- (2) Inserting language that prohibits a non-participating provider from billing an enrollee any amount in excess of any applicable charges the enrollee would be responsible for if they had received the services from a participating provider;
- (3) Deleting language that would have required non-participating providers to accept certain payments as payments in full for the emergency services rendered;
- (4) Deleting language that would have limited the amounts a managed care plan would have to pay for emergency services in certain situations;
- (5) Deleting language that would have required a health care provider or facility to bill a health carrier only for a health intervention service that is a medical necessity;
- (6) Inserting language that requires a managed care plan to fulfill its obligations to an enrollee and enter into a negotiation with the non-participating provider to resolve any sums owed by the managed care plan, and allowing either party to elect to enter into an independent dispute resolution process if an agreement cannot be reached within forty-five days;
- (7) Inserting language clarifying that no managed care plan shall be required to cover services not required by law or by the terms and conditions of the managed care plan, and clarifying that a non-participating provider shall be entitled to seek the uncovered cost of services rendered from enrollees who have consented to receive services provided by the non-participating provider;
- (8) Inserting language that requires the Insurance Commissioner to refer unresolved disputes between insurers and non-participating providers to an independent dispute resolution entity for binding arbitration;
- (9) Inserting language that requires an arbitrator to consider certain relevant factors;
- (10) Inserting language that allows a provider to bundle multiple claims in a single mediation under certain circumstances;
- (11) Inserting language clarifying which party shall be responsible for payment of the costs and fees of the dispute resolution process, under specific circumstances;
- (12) Inserting language that requires the arbitrator to issue a decision no later than forty-five days from the commencement of the binding arbitration;
- (13) Inserting language that allows the Insurance Commissioner to adopt rules consistent with this measure pursuant to chapter 91, Hawaii Revised Statutes;
- (14) Inserting language clarifying that the remedies, penalties, and proceedings regarding non-participating providers under chapter 432E, Hawaii Revised Statutes, shall be invoked and enforced solely and exclusively by the Insurance Commissioner;
- (15) Amending section 1 to reflect its amended purpose; and
- (16) Making conforming technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2423, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2423, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Nishihara, Wakai, Fevella).

SCRep. 2944 (Majority) Commerce, Consumer Protection, and Health on S.B. No. 2752

The purpose and intent of this measure is to:

- (1) Allow a landlord or a landlord's agent to charge an application screening fee as a part of the applicant screening process for renting residential property;
- (2) Limit the amount that may be charged for an application screening fee to \$25; and
- (3) Require the landlord or landlord's agent to return any unauthorized fee amounts to the applicant.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs Office of Consumer Protection. Your Committee received testimony in opposition to this measure from the Chinatown Gateway Plaza Tenant Association and Unite Here Local 5.

Your Committee finds that existing law does not specifically regulate the nature and amount of application fees that landlords may charge prospective tenants. According to testimony received by your Committee, the Office of Consumer Protection has received allegations over the years from prospective tenants, claiming that the costs of their application fees do not correlate with the costs of background and credit checks. Your Committee further finds that this measure will deter the abusive practice of excessive application fees and protect valid applicants of residential rentals in Hawaii's tight housing market.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2752 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, 1 (Fevella). Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2945 Commerce, Consumer Protection, and Health on S.B. No. 2011

The purpose and intent of this measure is to:

- (1) Require that a plan manager or board of directors keep an accurate and current list of the names, mailing addresses, and electronic mail addresses of board members and time share owners association members; and
- (2) Require the list of board members and association members to be made available to owners under certain terms and for reasonable costs.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs. Your Committee received testimony in opposition to this measure from the American Resort Development Association – Hawaii and Soleil Management Hawaii, LLC.

Your Committee finds that existing administrative rules require plan managers to keep a current owners list. However, the rule also provides that the association shall develop reasonable procedures by which time share owners may solicit votes or proxies or provide information to other time share owners with respect to association matters if the association's bylaws or rules do not authorize the release of the list to a time share owner. Depending on the association's procedure, it may be difficult for a time share owner to solicit votes on an issue or provide information to other time share owners. This measure will help to ensure that time share owners have access to the owners list so that information can be shared and that owners have fair opportunities to participate in association board matters. This measure further requires that owners requesting a list provide an affidavit attesting the list will be used only for certain purposes, similar to the affidavit required for condominium association records.

Your Committee has amended this measure by requiring that the member requesting a membership list furnish a duly executed and acknowledged affidavit stating that the list shall be used by such owner personally and only for the purpose of providing information to other association members with respect to association matters.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2011, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2011, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2946 Commerce, Consumer Protection, and Health on S.B. No. 2872

The purpose and intent of this measure is to increase the amount an injured homeowner may recover from the Contractors Recovery Fund and the maximum payout for any licensed contractor from the Contractors Recovery Fund.

Your Committee received testimony in support of this measure from the Contractors License Board, Subcontractors Association of Hawaii, and one individual.

Your Committee finds that under existing law, homeowners can receive up to \$12,500 per contract from the Contractors Recovery Fund, and that contractors have a maximum liability of \$25,000 from the Contractors Recovery Fund. Your Committee further finds

that with higher construction costs, increasing the maximum payments and payouts from this fund will protect both consumers and the construction industry.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2872 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2947 Commerce, Consumer Protection, and Health on S.B. No. 2879

The purpose and intent of this measure is to expand the pool of persons eligible to receive restitution from the Mortgage Loan Recovery Fund.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that existing law requires aggrieved persons to obtain a judgment against a licensee and then obtain an order from the court for payment from the Mortgage Loan Recovery Fund. This measure simplifies this process and gives the Commissioner of Financial Institutions authorization to provide payments based upon the entry of judgment, without a separate post-judgment order.

Your Committee further finds that existing law allows the Commissioner of Financial Institutions to order a licensee to make restitution payments directly to consumers when the Division of Financial Institutions finds a regulatory calculation error during an examination or investigation of the licensee. In these instances, because the check comes directly from the licensee, consumers often do not cash these checks because the consumer has not heard from the licensee in a number of years and the check is therefore unexpected, or the consumer believes the check is fraudulent or part of a scam. This measure authorizes the Division of Financial Institutions to pay restitution of up to \$25,000 to the affected consumer from the fund, rather than require the consumer to receive payment from the licensee, as consumers are more likely to deposit restitution checks that originate from the State with an explanation letter.

Your Committee has amended this measure by making technical, nonsubstantive amendments for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2879, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2879, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2948 Commerce, Consumer Protection, and Health on S.B. No. 2881

The purpose and intent of this measure is to clarify the role of the Board of Public Accountancy in selecting members to serve on the Board's Peer Review Oversight Committee.

Your Committee received testimony in support of this measure from the Board of Public Accountancy.

Your Committee finds that existing law requires that the firm of a prospective Peer Review Oversight Committee member must receive a rating of pass or an unmodified opinion from its last peer review. According to testimony received by your Committee, the accountancy profession's standards of review change frequently, and it is anticipated that the Peer Review Oversight Committee duties will increase substantially because of recent changes. This measure, therefore, will give the Board of Public Accountancy greater discretion needed to appropriately and timely select members who can serve on the Peer Review Oversight Committee.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2881 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2949 Commerce, Consumer Protection, and Health on S.B. No. 2883

The purpose and intent of this measure is to clarify that:

- (1) Upon meeting certain conditions, any cemetery authority and church is exempt from the state laws regulating cemeteries; and
- (2) Cemetery authorities are required to comply with any provision of chapter 441, Hawaii Revised Statutes, upon order of the Department of Commerce and Consumer Affairs director.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs; Roman Catholic Church, Diocese of Honolulu; Sisters of St. Francis of the Newmann Communities; Congregation of the Sacred Hearts of Jesus and Mary; and four individuals. Your Committee received testimony in opposition to this measure from the Hawaii Funeral and Cemetery Association, Inc.

Your Committee finds that the State began to regulate cemeteries in 1967, which placed a harsh financial burden upon nonprofit cemeteries that were not actively engaged in the business of selling cemetery property. Act 14, Session Laws of Hawaii 1968, authorized the then Cemetery Board to exempt any cemetery authority from the bonding requirements and licensing fee requirements under certain circumstances. Certain cemetery authorities have not been regulated since 1968 and have been treated as exempt from state laws that regulate cemeteries. Your Committee further finds that in practice, the Department of Commerce and Consumer Affairs

has waived all requirements of state laws regulating cemeteries for any cemetery granted an exemption, including churches. This measure will help the cemetery and funeral trusts program become more efficient in overseeing cemeteries by clarifying that certain cemetery authorities and churches are exempt from state laws regulating cemeteries.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2883 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2950 (Joint) Commerce, Consumer Protection, and Health and Judiciary on S.B. No. 2034

The purpose and intent of this measure is to establish enhanced penalties for multiple violations of the same liquor law by licensees under certain circumstances.

Your Committees received testimony in support of this measure from the Chinatown Gateway Plaza Tenant Association. Your Committees received testimony in opposition to this measure from the Hawaii Bar Owners Association and one individual. Your Committees received comments on this measure from the Liquor Commission of the City and County of Honolulu.

Your Committees find that crime as a result of intoxicating liquors is on the rise in the State and raises safety concerns for residents and visitors. Your Committees further find that there are businesses with liquor licenses that knowingly violate liquor laws and receive only a warning or a small fine as a result. Your Committees believe that a stronger deterrent against any violation of the State's liquor laws is necessary to hold businesses accountable. This measure will deter businesses from violating any liquor law by imposing enhanced penalties for multiple violations of the same liquor law, thereby furthering the safety of residents and visitors of the State.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2034 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.
Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Thielen).
Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 2951 (Joint) Commerce, Consumer Protection, and Health and Judiciary on S.B. No. 2434

The purpose and intent of this measure is to address the disposition of salvaged motor vehicles by authorizing the county directors of finance to issue certificates of ownership and salvage certificates to expedite the disposal of vehicles, under specified circumstances.

Your Committees received testimony in support of this measure from the Hawaii Insurers Council; Insurance Auto Auctions, Inc.; and one individual. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committees find that automobile insurers process thousands of total loss claims in Hawaii each year. For the vast majority of those claims, after the total loss settlement is paid to the vehicle owner and any lienholder, the certificate of title for the vehicle is available to the insurer and further titling can be handled in accordance with existing state law. However, there are occasions when, even though the insurer has paid the total loss settlement, the certificate of title for the vehicle is not made available to the insurer and, as a result, the vehicle sits in a salvage auction facility, often with no straight-forward or efficient way to dispose of the vehicle. This measure establishes a process whereby an insurer may obtain a salvage certificate for the vehicle without surrendering the certificate of title to expedite the receipt of an ownership document in their name and execute the salvage laws in a timely manner. This measure also sets forth a process for a salvage auction to dispose of an abandoned vehicle on its property if the owner or lienholder does not remove the vehicle from the salvage auction's facility after due notice has been provided.

Your Committees have amended this measure by:

- (1) Clarifying that upon receipt of the certificate of ownership or other evidence of title, certificate of registration, license plates, and application for a salvage certificate, the director of finance shall issue a salvage certificate in the name of the purchaser or the insurance company;
- (2) Clarifying that the director of finance shall be provided proof that notice was sent to the legal and registered owner of the motor vehicle;
- (3) Clarifying that the insurance company shall indemnify and hold harmless the director of finance for any claims resulting from the issuance of a salvage certificate of title, stolen vehicle certificate of title, or nonrepairable vehicle certificate of title issued pursuant to this measure, except any liability resulting from the gross negligence or wilfull misconduct of the director of finance or the director of finance's agent; and
- (4) Making a technical, nonsubstantive amendment for purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2434, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2434, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.
Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Thielen).
Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 2952 Judiciary on S.B. No. 2185

The purpose and intent of this measure is to exclude the violation of privacy in the first degree and certain violations of privacy in the second degree from eligibility for pleas of deferred acceptance of guilty or nolo contendere.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, and IMUAlliance. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that under existing law a defendant may request a deferral of their criminal charges under certain circumstances. The trial court, after considering the merits of the case, and hearing from the prosecutor, may grant a deferral of the proceedings, only if the trial court finds that the defendant is not likely again to engage in a criminal course of conduct and that the ends of justice and welfare of society do not require that the defendant suffer the penalty imposed by law. The court may ultimately discharge the defendant and dismiss the charge if certain conditions are met. Several exclusions apply to this provision, including, among others, when the offense is a class A felony, the defendant has a prior felony conviction, a firearm was used in the offense, or if the defendant is accused of certain serious offenses.

Your Committee further finds that the unauthorized, surreptitious recording of a person in a state of undress or participating in a private sexual act is a criminal violation of a person's right to privacy. The release of or threat to release such recordings or images, sometimes referred to as revenge porn, can cause irreparable personal, professional, and financial harm. This measure excludes such instances of invasion of privacy offenses from qualifying for deferred acceptance of guilty or nolo contendere pleas in order to hold perpetrators to a higher level of accountability for their actions and provide a deterrent for repeat offenses.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2185 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2953 Judiciary on S.B. No. 2268

The purpose and intent of this measure is to:

- (1) Grant exclusive original jurisdiction in matters of annulment, divorce, and separation and other certain cases to the Family Court of the Circuit in which an applicant is domiciled at the time the application is filed, rather than require the applicant to have been domiciled or physically present in the State for a continuous period of at least three months before filing for such matters; and
- (2) Repeal the requirement that a person be domiciled or physically present in the State for a continuous period of at least six months before completing a divorce.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that existing law often places unnecessary burdens on persons seeking divorce. In some instances, the Family Court may have jurisdiction to initiate a divorce but then lose jurisdiction prior to the completion of the divorce. For example, if a military member moves to Hawaii and applies for divorce, the Family Court has jurisdiction over the case because the family is domiciled in Hawaii. However, if the plaintiff is subsequently transferred away from Hawaii before making an application to the Court to grant the final divorce, the Court may lose jurisdiction over the case, and the parties may have to begin the process again in another state. This is particularly troublesome in cases involving domestic violence where an abused spouse leaves the State to flee the abuser.

Your Committee further finds that in cases of domestic violence, waiting three months to file for divorce may be particularly burdensome. During the waiting period, the victim of domestic violence is forced to endure the psychological distress of knowing that their abuser is legally recognized as their spouse. Possible abuse victims may fear for their safety when the State requires prolonging a legal relationship. Additionally, sustained legal recognition of the marriage carries certain financial and other obligations and requirements, such as health insurance coverage payments, that abuse victims should not have to maintain.

This measure removes the waiting period requirement to allow anyone who is domiciled in the State at the time of filing to file for divorce and removes the waiting period requirement for the completion of a divorce.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2268 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2954 Judiciary on S.B. No. 2305

The purpose and intent of this measure is to prohibit a court from granting more than two continuances of an order to show cause hearing in domestic abuse cases, absent a finding of exigent circumstances.

Your Committee received testimony in support of this measure from AAUW-Hawaii, Domestic Violence Action Center, Hawaii Women's Coalition, Planned Parenthood Votes Northwest and Hawaii, and six individuals. Your Committee received comments on this measure from the Judiciary and Department of the Attorney General.

Your Committee finds that seeking a temporary restraining order and order of protection can be emotionally and financially taxing for already vulnerable domestic abuse victims. Such strains can be exacerbated when a court grants numerous continuances, sometimes delaying a victim's escape from their abuser and forcing the victim to be absent from work in order to attend multiple court appearances. Your Committee further finds that continuances should be discouraged in these types of cases and therefore this measure prohibits a court from granting a continuance in these cases, absent good cause.

Accordingly, your Committee has amended this measure by:

- (1) Prohibiting a court from granting a continuance of a show of cause hearing absent a showing of good cause;
- (2) Amending section 1 to reflect its amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2305, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2305, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2955 Judiciary on S.B. No. 2306

The purpose and intent of this measure is to make consistent the types of documents accepted as proof of domestic or sexual violence victim status.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations, Hawai'i State Commission on the Status of Women, Hawai'i Civil Rights Commission, Hawaii Women's Coalition, Hawaii State Coalition Against Domestic Violence, Domestic Violence Action Center, Parents and Children Together, AAUW-Hawaii, Planned Parenthood Votes Northwest and Hawaii, Midwives Alliance of Hawaii, and fourteen individuals. Your Committee received testimony in opposition to this measure from CTIA.

Your Committee finds that the State has enacted certain laws to assist victims of domestic and sexual violence, such as statutes that provide for early termination of a shared cell phone contract or rental agreement by victims. Your Committee also finds that when victims attempt to obtain assistance under these laws, they must show proof of their victim status. Existing laws are inconsistent as to what types of documents are acceptable as proof of domestic or sexual violence victim status, although the substance of the requirements are similar. As a result, these laws may be perceived as complicated or confusing and victims may be discouraged from trying to seek assistance pursuant to them. This measure brings consistency to these laws by providing the same type of documents be accepted as proof of domestic or sexual violence victim status under the varying laws.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2306 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Keohokalole, Kim).

SCRep. 2956 Judiciary on S.B. No. 2316

The purpose and intent of this measure is to:

- (1) Extend statutory limitations on the time periods in which a survivor of childhood sexual abuse may file a civil action to within forty years of their eighteenth birthday; and
- (2) Specify that the remedies available in civil cases arising from the sexual abuse of a minor shall not include punitive damages and that the court may order restorative justice measures.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, The Sex Abuse Treatment Center, CHILD USA, LGBT Caucus of the Democratic Party of Hawai'i, Planned Parenthood Votes Northwest and Hawaii, IMUAlliance, Parents and Children Together, Rainbow Family 808, Midwives Alliance of Hawaii, Breastfeeding Hawaii, and twenty-six individuals. Your Committee received comments on this measure from the Department of the Attorney General and one individual.

Your Committee finds that victims of child sex abuse often need decades to come forward due to the trauma from the abuse, inability to process what happened to them, and frequently because they are dependent on the adults who perpetrated or caused the abuse. Studies have shown that age fifty-two is the average age of disclosure for victims of child sex abuse. Your Committee further finds that short statutes of limitations for child sex abuse play into the hands of the perpetrators and the institutions that cover up for them, thereby disabling victims' voices and empowerment. Extending the civil statute of limitations for child sex abuse plaintiffs ensures that justice will be made available to more victims.

Your Committee has amended this measure by:

- (1) Deleting language that would have prohibited punitive damages from being included in monetary relief for claims arising from sexual offenses;
- (2) Specifying that upon the victim's request, rather than at the court's discretion, the court may order restorative justice measures, including victim impact panels, victim impact classes, or community service; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2316, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2316, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2957 Judiciary on S.B. No. 2420

The purpose and intent of this measure is to authorize manslaughter prosecutions for a person who causes the death of another person, having demonstrated wilful and wanton disregard of the need to exercise reasonable care, which was likely to cause foreseeable grave injury or harm to one or more persons, property, or both.

Your Committee received testimony in support of this measure from the Office of the Prosecuting Attorney of the County of Kaua'i; International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Local Union Number 625; Hawaii Chapter of Mothers Against Drunk Driving; Operative Plasterers' and Cement Masons' International Association Local #630, AFL-CIO; DK Movement; Hawaii Construction Alliance; and seventeen individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that under existing law the offense of manslaughter, a class A felony, includes a person who recklessly causes the death of another person, and the offense of negligent homicide, a class B felony, includes a person who causes the death of another person by the operation of a vehicle in a negligent manner while under the influence of drugs or alcohol. Therefore, when a drunk driver causes the death of another, the offender may be charged under either offense, depending on the circumstances surrounding the event. Your Committee finds that drunk driving is preventable and wilfully drinking to levels of intoxication above the legal limit and driving may be inherently reckless. Your Committee finds that clarity is needed in the penal code to inform prosecutors, judges, and offenders of what circumstances warrant the more serious charge of manslaughter.

Your Committee also finds that the proposed language of this measure is ambiguous because wilful and wanton are not defined nor are they used in the Hawaii penal code. Your Committee thus believes this measure should explicitly define certain acts of drunk driving as manslaughter to ensure that offenders who cause the death of another person by recklessly driving while above the legal limit of blood alcohol concentration are charged with the more serious offense of manslaughter. Your Committee hopes that this measure will help to deter possible offenders and save innocent lives.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have provided that the offense of manslaughter includes a person who causes the death of another person, having demonstrated wilful and wanton disregard of the need to exercise reasonable care, which was likely to cause foreseeable grave injury or harm to one or more persons, property, or both;
- (2) Inserting language that provides that the offense of manslaughter includes a person who causes the death of another person by recklessly operating a motor vehicle with .08 or more grams of alcohol per two hundred ten liters of breath or .08 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood; and
- (3) Amending section 1 to reflect its amended purpose.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2420, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2420, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 2958 Judiciary on S.B. No. 2793

The purpose and intent of this measure is to:

- (1) Establish a new misdemeanor offense of promoting a dangerous drug in the fourth degree, to include possession of dangerous drugs in any amount under one-sixteenth of an ounce; and
- (2) Limit the class C felony offense of promoting a dangerous drug in the third degree to include possession of certain dangerous drugs in an amount or weight equal to one-sixteenth of one ounce or more.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Office of the Prosecuting Attorney of the County of Kaua'i, Hawai'i Justice Coalition, Office of the Public Defender, American Civil Liberties Union of Hawai'i, Community Alliance on Prisons, Hawai'i Friends of Restorative Justice, Libertarian Party of Hawaii, The Drug Policy Forum of Hawai'i, Hawaii Health and Harm Reduction Center, and thirty-two individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Honolulu Police Department, Hawai'i Police Department, Maui Police Department, Department of the Prosecuting Attorney of the City and County of Honolulu, and two individuals. Your Committee received comments on this measure from the Judiciary and Department of the Prosecuting Attorney of the County of Maui.

Your Committee finds that criminal justice policies that impose harsh prison sentences increase incarceration rates and costs, but frequently do not result in a commensurate reduction in crime rates. Your Committee further finds that incarceration is a particularly expensive and ineffective response to the public health problem of personal drug use. Despite its substantial expense, incarceration has not adequately deterred substance abuse or otherwise made Hawaii communities safer. Thus, applying the harsh treatment of felony level classification and punishment to all drug possession offenses, especially those at the lowest level, has proven to be excessively costly and woefully ineffective. Your Committee believes that the imposition of incarceration to punish simple, low-level drug

possession offenses should be limited in favor of the reduced or alternative sentencing options of misdemeanor classification to help reduce prison overcrowding, save taxpayer dollars, and free up resources to be reinvested into more effective treatment programs.

Your Committee has amended this measure by:

- (1) Defining promoting a dangerous drug in the fourth degree as possession of any dangerous drug in any amount under two grams;
- (2) Defining promotion of a dangerous drug in the third degree as possession of any dangerous drugs in an amount of two grams or more;
- (3) Inserting an effecting date of August 1, 2020, and deleting the retroactivity provision;
- (4) Amending section 1 to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2793, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2793, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Kim). Noes, none. Excused, 1 (Fevella).

SCRep. 2959 Judiciary on S.B. No. 3070

The purpose and intent of this measure is to:

- (1) Increase the maximum amount of public funds available to certain state candidates in each election; and
- (2) Increase the amount of voluntary state income tax check-off contributions that may be designated for the Hawaii Election Campaign Fund.

Your Committee received testimony in support of this measure from the League of Women Voters, Common Cause Hawaii, and six individuals. Your Committee received comments on this measure from the Campaign Spending Commission and Department of Taxation.

Your Committee finds that the State made major reforms to campaign spending laws in 1995 to bring about fair election processes, including setting candidate spending limits, making public funding available to qualified candidates, and leveling the playing field for newcomers to the political process. Your Committee further finds that the expenditure limit amounts have not changed since 1995. This measure increases those amounts to provide a more competitive playing field to candidates who voluntarily agree to limit campaign expenditures. In addition, this measure increases the tax check-off contribution that tax payors may designate to the Hawaii Campaign Election Fund.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3070 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2960 (Majority) Commerce, Consumer Protection, and Health on S.B. No. 2049

The purpose and intent of this measure is to:

- (1) Amend the information required to be in a time share disclosure statement, under certain circumstances;
- (2) Amend the information required to be on a developer registration renewal application;
- (3) Expand the information that developers are not required to include on a developer registration renewal application;
- (4) Limit the copies of documents developers are required to submit in a developer registration renewal application;
- (5) Require developers to submit copies of supplementary plan documents of the time share plan; and
- (6) Allow for submission of certain documents in electronic form.

Your Committee received testimony in support of this measure from Marriot Vacations Worldwide Corporation. Your Committee received testimony in opposition to this measure from UNITE HERE Local 5 Hawaii. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and the American Resort Development Association Hawai'i.

Your Committee finds that time share developers are required to submit disclosure statements to the Department of Commerce and Consumer Affairs, some of which can exceed one hundred pages for multi-site time share plans. Changes to existing requirements of what should be included are needed, as certain developers are continually adding hundreds of individual intervals into the time share plan, and documentation for each interval can be voluminous. This measure incorporates consensus language between stakeholders and the Department of Commerce and Consumer Affairs and will help save filing space, while also allowing the Department of Commerce and Consumer Affairs to see that the developer is properly recording the required documents and granting appropriate discretion to require copies of any supplementary documents it determines necessary for its review.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2049, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2049, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, 1 (Fevella). Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2961 Judiciary on S.B. No. 2266

The purpose and intent of this measure is to prohibit a person required to register as a sex offender from residing within two thousand feet of the person's former victim or the victim's immediate family members.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Hawai'i Psychological Association, The Sex Abuse Treatment Center, IMUAlliance, Rainbow Family 808, Hawaii Family Advocacy Team, and twenty individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that as of 2018, at least six states, Alabama, Arkansas, Indiana, Oklahoma, Tennessee, and West Virginia, had enacted laws restricting a registered sex offender from living within a designated proximity to their victim. For years, states have enacted residency restrictions to prevent certain sex offenders from residing close to schools, day care centers, playgrounds, and other public spaces frequented by children to prevent subsequent offenses and protect potential future victims. Your Committee finds that it is a logical step to enact residential restrictions that protect actual past victims. Residential restrictions that prevent sex offenders from residing close to their victims protect the victims from feeling unsafe within their own homes and experiencing further trauma from the reentry of their former abuser into their lives.

Your Committee has amended this measure by:

- (1) Clarifying that it is unlawful for a released or convicted registered sex offender to reside, permanently or temporarily, within two thousand feet of the property in which the covered offender's former victim or the victim's immediate family member resides;
- (2) Inserting language to provide that the fact that the victim or victim's immediate family member has moved within two thousand feet of a sex offender after the offender has established residency shall not form the basis for finding a violation, unless the sex offender has been convicted of a new covered offense;
- (3) Requiring a sex offender to obtain approval from the Attorney General prior to a change in address;
- (4) Requiring the Attorney general to adopt rules;
- (5) Defining "immediate family member" and "within 2,000 feet";
- (6) Inserting an effective date of August 26, 2050, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2266, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2266, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 2962 Judiciary on S.B. No. 2603

The purpose and intent of this measure is to:

- (1) Clarify that if a court determines that a parent has a felony conviction for a violent or sexual offense in which the victim was a minor, or if a parent is required to register as a sex offender, such classification raises a rebuttable presumption that it is detrimental and not in the best interest of the child to grant that parent custodial rights;
- (2) Clarify that no child shall be placed in a home in which a person resides who has committed family violence, has a felony conviction for a violent or sexual offense in which the victim was a minor, or is required to register as a sex offender, nor have unsupervised visitation with that person, unless the court states the reasons for its findings in writing or on the record;
- (3) Establish that no person shall be granted physical or legal custody of, or unsupervised visitation with, a child if anyone residing in that person's household is required to register as a sex offender (where the victim is not a minor) unless the court finds there is no significant risk to the child and states its reasons in writing or on the record;
- (4) Establish that the requirement that a person register as a sex offender as a result of a felony conviction in which the victim was a minor shall be prima facie evidence that the child is at significant risk;
- (5) Establish that no person shall be granted custody of, or unsupervised visitation with, a child if the person has been convicted of murder in the first degree and the victim of the murder was the other parent of the child, unless the court finds there is no risk to the child's health, safety, and welfare, and states the reasons for its findings in writing or on the record; and
- (6) Clarify that no court shall disclose the custodial parent's place of residence, place of employment, or the child's school, unless the court finds disclosure would be in the best interests of the child.

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawai'i, Rainbow Family 808, Hawaii Family Advocacy Team; The Sex Abuse Treatment Center, and twenty-one individuals.

Your Committee finds that existing law does not adequately safeguard children from being placed in the custody of or permitting visitation with a parent who may have committed a violent or sexual offense against a non-family member minor, or a parent who lives with a person who has committed such an offense. This measure creates a rebuttable presumption of significant risks to a child to ensure that children are not placed in custody or unsupervised visitation with persons who are deemed likely to harm the child or jeopardize the child's safety.

Your Committee has amended this measure by:

- (1) Deleting language that would have provided that the presumption shall not apply if there are mitigating factors, including whether a party seeking custody or visitation is required, as the result of a felony conviction in which the victim was a minor, to register as a sex offender;
- (2) Clarifying that when making a determination regarding significant risk to the child, the court shall deem a person who is required, as a result of a felony conviction in which the victim was a minor, to register as a sex offender, to constitute a presumption of risk, affecting the burden of producing evidence;
- (3) Inserting a defective date of August 26, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2603, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2603, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 2963 Judiciary on S.B. No. 2742

The purpose and intent of this measure is to establish the offense of theft of a catalytic converter as a class C felony.

Your Committee received testimony in support of this measure from the National Insurance Crime Bureau, Stolen Stuff Hawaii, and four individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that a catalytic converter is a device incorporated in the exhaust system of a motor vehicle, containing a catalyst, including palladium, platinum, and rhodium, for converting pollutant gases into less harmful ones. Your Committee further finds that catalytic converter theft is on the rise in part due to the rise in prices associated with the precious catalyst metals. The relative ease and speed in which a thief can remove a catalytic converter, coupled with the financial reward a thief can reap selling the scrap metal is what drives the thefts. Installing a replacement catalytic converter costs hundreds to thousands of dollars, and because thieves try to remove the catalytic converters as quickly as possible, their hastiness often causes repair costs to be higher due to other areas of the car being damaged. This measure would establish the offense of theft of a catalytic converter and scrap dealer requirements to deter catalytic converter theft.

Your Committee has amended this measure by:

- (1) Adding the requirement that scrap dealers follow the same reporting process regarding a written statement for the purchase of palladium, platinum, rhodium, and a scrap catalytic converter from which some or all of the catalyst metals have been removed, as is required for the purchase of copper, beer kegs, and urns; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2742, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2742, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 2964 Labor, Culture and the Arts on S.B. No. 2081

The purpose and intent of this measure is to establish the fourth Saturday in September of each year as Public Lands Day.

Your Committee received no testimony on this measure.

Your Committee finds that the State's public lands hold significant value through the provision of natural resources and recreational opportunities for residents and visitors alike. Designating a Public Lands Day will serve to promote awareness and appreciation of the State's diverse public lands.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2051, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2081, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2081, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Ihara).

SCRep. 2965 Commerce, Consumer Protection, and Health on S.B. No. 2817

The purpose and intent of this measure is to require cooperative housing corporations and unit owners' associations of high-rise condominium properties to provide at least one waste cooking oil receptacle in an easily accessible location on the property to allow residents to deposit grease and waste cooking oil.

Your Committee received testimony in support of this measure from Mid-Pacific Institute and fourteen individuals. Your Committee received testimony in opposition to this measure from Associa, Hawaii Council of Associations of Apartment Owners, and two individuals.

Your Committee finds that proper disposal of used cooking oil is an important waste concern. If improperly disposed, cooking oil can block plumbing and piping, which can lead to sewage back-ups in homes and businesses. Proper disposal of waste cooking oil can help prevent expensive plumbing repairs and benefits the environment. Additionally, in our attempts to become more sustainable, improving ways to create more biofuel should be a top priority. This measure would create a convenient and accessible way to expand the collection of waste cooking oil and grease to allow for an increased source of biofuel and helps to eliminate the risks associated with improper disposal.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2817, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2966 Commerce, Consumer Protection, and Health on S.B. No. 2561

The purpose and intent of this measure is to require retailers of household appliances to conspicuously display on the appliances information regarding available energy efficiency rebates and state-specific energy operation costs.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office, Climate Protectors Coalition, Blue Planet Foundation, Pacific Resource Partnership, and three individuals. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii and the Association of Home Appliance Manufacturers. Your Committee received comments on this measure from the Public Utilities Commission.

Your Committee finds that Hawaii businesses and residents pay the highest electricity rates in the nation, exacerbating the already high cost of living. Supplying information about available rebates and energy costs would enable consumers to make wise choices when selecting products that yield long-term savings as opposed to choosing a product solely based on the cost. According to the American Council for an Energy-Efficient Economy, efficiency measures saved Americans \$800 billion in 2014 alone. Because Hawaii's electricity rates are two and one-half times higher, this measure will help consumers make more informed decisions and save consumers money by providing more accurate cost information on available rebates in the State and will further contribute to Hawaii's clean energy and decarbonization goals.

Your Committee notes that the Public Benefits Fee Administrator (PBFA) is working with the Hawaii State Energy Office and the Public Utilities Commission to ensure that the PBFA is prepared to provide outreach, education, and assistance to retailers to help them comply with the requirements of this measure and to address any legitimate concerns of the Association of Home Appliance Manufacturers.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2561 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2967 Commerce, Consumer Protection, and Health on S.B. No. 2955

The purpose and intent of this measure is to expand the coffee labeling and advertising requirements to include ready-to-drink coffee beverages and inner wrapping or packaging labels.

Your Committee received testimony in support of this measure from the Department of Agriculture; Rancho Aloha Kona Coffee; Kona Mountain Coffee; Kona Coffee Farmers Association; Absolute Palate, LLC; Konaloha Farms; Cassandra Farms; Pohaku Farm; Mauna Mama Kona Coffee; Athena of Hawai'i, LLC; and eight individuals.

Your Committee finds that existing statutory requirements for fair trade coffee labeling and advertising apply to roasted and instant coffee, but do not apply to ready-to-drink coffee beverages and inner wrapping labels. Marketers of ready-to-drink coffee products can use names like "Kona coffee", "Maui coffee", or "Hawaii coffee" in labeling of packages containing little to no coffee from the named region, deceiving consumers and economically damaging Hawaii coffee farmers. This measure helps to protect the integrity of Hawaii-grown coffee and Hawaii coffee farmers by expanding truth in labeling laws to ready-to-drink coffee beverages.

Your Committee notes the concerns raised in testimony of the Department of Agriculture that there are limitations regarding enforcement of origin claims after coffee is roasted or manufactured as a ready-to-drink beverage. Your Committee therefore encourages the Department of Agriculture to work with other stakeholders in the Hawaii-grown coffee industry and the University of Hawaii research units to assist in the development or adoption of technology and other efforts to regulate and enforce the authenticity of roasted or blended Hawaii-grown coffee labeling.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2955 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2968 Commerce, Consumer Protection, and Health on S.B. No. 3008

The purpose and intent of this measure is to exempt hydrogen fuels from measurement requirements of petroleum products.

Your Committee received testimony in support of this measure from the Hawaii Automobile Dealers' Association, Servco, and the Alliance for Automotive Innovation.

Your Committee finds that hydrogen, as a renewable fuel, offers great promise for Hawaii. Hydrogen fueling infrastructure is key to customer adoption of renewable fuel vehicles. The definition of fuel in existing law is broad and does not exclude hydrogen, therefore implying it must be sold on the basis of measure. Accordingly, this measure will help to promote the development of more hydrogen stations and will assist the State in utilizing other forms of renewable fuels by exempting hydrogen from measurement standards relating to fuel.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3008, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2969 Commerce, Consumer Protection, and Health on S.B. No. 2775

The purpose and intent of this measure is to require the Fuel Tank Advisory Committee to meet twice within a same calendar year at least six months apart.

Your Committee received testimony in support of this measure from the Department of Health, Honolulu Board of Water Supply, Human Environmental Impacts Committee of the Environmental Caucus of the Democratic Party of Hawai'i, and one individual. Your Committee received comments on this measure from the United States Department of the Navy, Commander Navy Region Hawaii and Chamber of Commerce Hawaii.

Your Committee finds that the State established the Fuel Tank Advisory Committee in 2016 to study issues related to leaks of certain fuel storage tanks throughout the State, specifically issues surrounding leaks at the United States Department of the Navy's Red Hill Bulk Fuel Storage Facility. This measure clarifies the Fuel Tank Advisory Committee's meeting frequency and provides greater opportunity for public participation and transparency of underground fuel storage tank issues.

Your Committee further notes that in the recent National Defense Authorization Act for Fiscal Year 2020, which was passed by Congress and signed into law in December 2019, there is a provision that requires the Department of the Navy to hold quarterly events that are open to the public to provide information and updates on the Red Hill Bulk Fuel Storage Facility. Your Committee finds that the requirements of this measure are consistent with the required quarterly public events of the Department of the Navy.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2775 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2970 Commerce, Consumer Protection, and Health on S.B. No. 2120

The purpose and intent of this measure is to provide that certain county-issued transit cards and certificates are not subject to the State's regulations related to gift certificates.

Your Committee received testimony in support of this measure from the City and County of Honolulu Department of Transportation Services and County of Maui Department of Transportation.

Your Committee finds that, like many other large cities, Honolulu has adopted a smart card for public transit passengers to pay for fares on TheBus and Handi-Van. The "HOLO card" may be registered and reloaded, eliminating the need to purchase daily and monthly bus passes, and can be programed for discounted users like youth and seniors. The HOLO card will also be the sole form of fare payment on the Honolulu Rail Transit System. Existing statutory language concerning requirements of private businesses and retailers regarding gift certificates, especially those requirements concerning unspent value and redemption balances, are not necessarily applicable to county-issued and county-administered cards. This measure seeks to clearly distinguish transit cards and other similar county-issued cards to support the administration of the smart card program.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2120 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2971 Commerce, Consumer Protection, and Health on S.B. No. 2975

The purpose and intent of this measure is to exempt applications for a class 1 license from the automatic refusal of a liquor license if the land is designated as agricultural by state or county zoning laws in situations where a majority of the agricultural products used to manufacture the liquor are grown and produced in the State.

Your Committee received testimony in support of this measure from LBD Coffee, LLC. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that there is a desire to grow and produce agricultural products for the manufacturing of liquor. However, your Committee further finds that under existing law, a person may be denied a class 1 liquor license if a majority of neighbors protest or object to the application. Your Committee believes that there is merit in diversifying the agricultural industry in the State by exempting agricultural producers who wish to use their own agricultural products to produce liquor from being disqualified by a majority protest of their neighbors when seeking a class 1 liquor license.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2975, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2972 Commerce, Consumer Protection, and Health on S.B. No. 2750

The purpose and intent of this measure is to repeal the requirement that noncarbonated bottled water be transported, stored, processed, or bottled through lines or equipment through which only water is passed.

Your Committee received testimony in support of this measure from the Hawaii Food Industry Association, Ko Olina Resort, Sierra Club of Hawai'i, Ball Corporation, Mananalua, American Beverage Association, and Meadow Gold Dairies. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that many carbonated soft drink companies outside of Hawaii produce canned noncarbonated water with the same equipment used to make their other products. However, existing state law expressly prohibits carbonated soft drink, juice, and beer operations from using the same equipment to can noncarbonated bottled water. This measure repeals the existing restriction that unfairly and unnecessarily limits local beverage filling companies that manufacture other products from providing noncarbonated water in aluminum cans to consumers as an alternative to single-use plastic water bottles.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2750 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 2973 Judiciary on S.B. No. 2051

The purpose and intent of this measure is to:

- (1) Increase the maximum civil penalty for littering from \$500 to \$1,000; and
- (2) Increase the maximum fine for the offense of criminal littering from \$1,000 to \$5,000.

Your Committee received testimony in support of this measure from the Hawaii Food Industry Association and one individual.

Your Committee finds that littering is costly, portrays a negative picture of an area, and is dangerous to the environment. Litter can cause physical harm and injury, especially needles, broken glass, highway debris, and improperly disposed of cigarette butts that may spark fires. Littering can also contribute to the spread of disease and pollute the environment as toxic chemicals leach into waterways and soils; furthermore, litter can kill wildlife. Your Committee finds that littering fines must be increased to reflect the seriousness of the offense and demonstrate the State's commitment to protecting the natural environment.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2051 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 2974 Judiciary on S.B. No. 2181

The purpose and intent of this measure is to amend the offenses of sexual assault in the first and third degree, when perpetrated against someone who is mentally defective, to remove the standard of proof regarding knowledge that the other person was mentally defective, as that term is defined in section 707-700, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Kaua'i, and one individual.

Your Committee finds that mentally disabled persons need additional protection from sexual predators. Among adults who are developmentally disabled, as many as eighty-three percent of the females and thirty-two percent of the males are victims of sexual assault. Your Committee further finds that anywhere from fifteen thousand to nineteen thousand people with developmental disabilities are sexually assaulted each year in the United States. Forty percent of people with developmental disabilities who are

victims of sexual violence will experience ten or more abusive incidents. Your Committee additionally finds that mentally disabled persons and developmentally disabled persons have limited, if any, capacity to give knowing and willing consent to sexual acts. This inability to consent closely parallels the inability of certain minors and prison inmates to consent, therefore, your Committee finds that a need exists to extend protection to mentally disabled persons who similarly lack the capacity to consent to sexual acts.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2181 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 2975 (Joint) Judiciary and Commerce, Consumer Protection, and Health on S.B. No. 2670

The purpose and intent of this measure is to require a vulnerable coastal property purchaser statement to be executed by the purchaser or transferee with the sale or transfer of vulnerable coastal real estate.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Hawaii Climate Change Mitigation and Adaptation Commission; Office of Climate Change, Sustainability and Resiliency of the City and County of Honolulu; Office of Economic Development of the County of Maui; Sierra Club Hawai'i; Pono Hawai'i Initiative; League of Women Voters; and six individuals. Your Committees received testimony in opposition to this measure from the Hawai'i Association of REALTORS®.

Your Committees find that coastal property is often vulnerable to hazards, such as coastal erosion and flooding from tsunamis, storms, and high waves. These hazards can be exacerbated by sea level rise and human-caused interruptions to natural sand supply. Owners of coastal property are at risk of losing land when shorelines undergo landward retreat, which negatively impacts building setbacks, property values, and insurance availability. Furthermore, coastal property owners face stringent permit requirements imposed by the counties and State for shoreline protection. This measure enables coastal property purchasers and transferees to better understand the special hazards, permitting requirements, and limitations that may affect the coastal property by requiring a vulnerable coastal property purchaser statement with the sale or transfer of any vulnerable coastal real property.

As affirmed by the records of votes of the members of your Committees on Judiciary and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2670, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.
Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).
Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Thielen).

SCRep. 2976 (Joint) Commerce, Consumer Protection, and Health and Judiciary on S.B. No. 2384

The purpose and intent of this measure is to require certain tow operators to provide to a disabled vehicle's driver a written disclosure of certain information and an itemization of charges prior to attaching a disabled vehicle to the tow truck under certain circumstances.

Your Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs and GEICO. Your Committees received comments on this measure from Hawaii Insurers Council.

Your Committees find that drivers are often unaware of how costly towing fees are because towing companies are not required to disclose the actual cost of their services. Your Committees further find that some towing companies deliberately overcharge consumers for towing services, expecting either the vehicle owner or their insurance company to pay an exorbitant amount in order to retrieve the vehicle. Your Committees believe that a disclosure requirement would eliminate any misunderstanding between drivers and towing companies whenever a vehicle is towed from an accident scene. This measure will protect consumers from unknowingly being overcharged for towing services by requiring tow companies to provide an itemized disclosure that must be agreed upon by the driver and towing company prior to the towing of a vehicle.

Your Committees have amended this measure by inserting an effective date of January 20, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2384, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2384, S.D. 2.

Signed by the Chairs on behalf of the Committees.
Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Thielen).
Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 2977 (Joint) Commerce, Consumer Protection, and Health and Judiciary on S.B. No. 2010

The purpose and intent of this measure is to establish the Uniform Employee and Student Online Privacy Protection Act that adopts uniform laws on protecting the online accounts of employees, prospective employees, unpaid interns, applicants, students, and prospective students from employers and educational institutions.

Your Committees received testimony in support of this measure from the Department of Education, Hawai'i Civil Rights Commission, Commission to Promote Uniform Legislation, LGBT Caucus of the Democratic Party of Hawaii, and Pride at Work - Hawaii. Your Committees received comments on this measure from the American Civil Liberties Union of Hawai'i.

Your Committees find that, ordinarily, individuals decide for themselves who will have access to information that is not otherwise publicly available in their social media profiles and other online accounts. Employers and educational institutions, however, may have the power to coerce access to non-public information of students' and employees' personal online accounts. In recent years, there have

been several reported incidents in which employers and schools have demanded, and received, such access. This measure was developed by the Uniform Law Commission and stakeholders to prevent employers and public and private educational institutions from coercing access to information from employees and students who will normally have less than equal bargaining power. This measure also establishes a set of rules to help employers, educational institutions, employees, students, technology service providers, and others to effectively apply, comply with, and enforce the law in a more consistent manner.

Your Committees have amended this measure by making a technical, nonsubstantive amendment for purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2010, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2010, S.D. 1.

Signed by the Chairs on behalf of the Committees.
Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Thielen).
Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 2978 Ways and Means on H.B. No. 1153

The purpose and intent of this measure is to establish and appropriate funds for a remote legislative access program.

Your Committee received comments in support of this measure from the Office of Enterprise Technology Services; Disability and Communication Access Board; Mayor of the County of Hawaii; Common Cause Hawaii; Environmental Caucus, The Democratic Party of Hawaii; Hawaii Alliance of Nonprofit Organizations; Hawaii Government Employees Association; Hawaii SEED; Indivisible Hawaii; Kona-Kohala Chamber of Commerce; LGBT Caucus of the Democratic Party of Hawaii; Rancho Aloha Kona Coffee; Save Ala Moana Beach Park Hui; Sustainable Action Fund for the Environment/SAFE; Transform Hawaii Government; Young Progressives Demanding Action; and twenty individuals.

Your Committee finds that this measure will enable persons having disabilities, residents of rural Oahu, and neighbor island residents to more fully participate in the legislative process without experiencing inconvenient, expensive, or time-consuming travel to the Capitol.

Your Committee has amended this measure by:

- (1) Deleting the appropriation for fiscal year 2019-2020;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1153, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1153, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 2979 (Majority) Ways and Means on S.B. No. 4

The purpose and intent of this measure is to propose a constitutional amendment to lower the qualifying age of voters for any state or local election from eighteen years of age to sixteen years of age.

Your Committee received written comments in support of this measure from Young Progressives Demanding Action, Common Cause Hawaii, Prince Kuhio Hawaiian Civic Club, Community Alliance on Prisons, Ke One O Kakuhihewa, Association of Hawaiian Civic Clubs, Moku O Manokalanipo-Kaua'i Council, and nine individuals.

The League of Women Voters submitted written comments on this measure.

Your Committee finds that allowing younger people to vote will increase access to democratic processes and help to establish, at an earlier age, voting as a life-long habit.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 4, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 4, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 10; Ayes with Reservations (Fevella). Noes, 1 (Riviere). Excused, 2 (Inouye, Kahele).

SCRep. 2980 Ways and Means on S.B. No. 2103

The purpose and intent of this measure is to authorize the issuance of special electric vehicle license plates to commemorate the Polynesian Voyaging Society.

Your Committee received written comments in support of this measure from the Hawaii State Energy Office, Elemental Excelsior, Polynesian Voyaging Society, and one individual.

Your Committee finds that authorizing the issuance of special electric vehicle license plates commemorating the Polynesian Voyaging Society will encourage the increased use of electric vehicles in the State.

Your Committee has amended this measure by:

- (1) Clarifying that nothing in the new section to be added to Chapter 249, Hawaii Revised Statutes, shall be construed as applying to any special number plates issued pursuant to section 249-9.5, Hawaii Revised Statutes (relating to special number plates that commemorate Haleakala National Park and Hawaii Volcanoes National Park);
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2103, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2103, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 2981 Ways and Means on S.B. No. 2162

The purpose and intent of this measure is to require the Hawaii Climate Change Mitigation and Adaptation Commission to further address, provide recommendations concerning, and submit a report to the Legislature regarding sea level rise in the State.

Your Committee received written comments in support of this measure from the Hawaii Climate Change Mitigation and Adaptation Commission, Office of Planning, Honolulu Board of Water Supply, Hawaii Public Health Association, IMUA Alliance, Maui Chamber of Commerce, Young Progressives Demanding Action, and one individual.

Your Committee finds that requiring the Hawaii Climate Change Mitigation and Adaptation Commission to undertake certain activities to further address sea level rise in the State is necessary for the State to adapt to the impacts of sea level rise.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2162, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2162, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (English, Kahele).

SCRep. 2982 Ways and Means on S.B. No. 2255

The purpose and intent of this measure is to increase the availability of and appropriate funds to advance affordable housing for teachers employed in Department of Education schools and public charter schools.

Your Committee received written comments in support of this measure from the Hawaii Teacher Standards Board, State Public Charter School Commission, Hawaii Public Housing Authority, Department of Education, Hawaii State Teachers Association, Democratic Party of Hawaii Education Caucus, and one individual.

Your Committee received written comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that Hawaii's high cost of living and limited supply of affordable homes adversely affect the State's ability to recruit and retain qualified teachers in public schools. Your Committee believes that the development of affordable teacher housing is a necessary part of the State's continued efforts to alleviate the teacher shortage.

Your Committee has amended this measure by:

- (1) Clarifying that all appropriations of the measure become effective on July 1, 2020;
- (2) Changing the effective date of the remaining provisions in the measure to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2255, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2255, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Inouye, Kahele).

SCRep. 2983 Ways and Means on S.B. No. 2335

The purpose and intent of this measure is to improve the health and well-being of Hawaii's kupuna through the appropriation of funds to support the Healthy Aging Partnership Program within the Executive Office on Aging.

Your Committee received written comments in support of this measure from the Executive Office on Aging, Maui County Office on Aging, County of Kauai Agency on Elderly Affairs, Hawaii Primary Care Association, AARP Hawaii, ILWU Local 142, and numerous individuals.

Your Committee finds that, since its founding, the Healthy Aging Partnership Program has developed evidence-based health promotion programs that have resulted in improved health and well-being among older adults in the State. Your Committee further finds that support of the Healthy Aging Partnership Program aligns with the goals of the Hawaii State Plan on Aging, which include maximizing opportunities for older adults in the State to age well, remain active, and enjoy life in their communities.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2335, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2335, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 2984 Ways and Means on S.B. No. 2505

The purpose and intent of this measure is to improve the admission process and care access for patients who are involuntarily hospitalized.

More specifically, the measure requires and appropriates funds for the Department of Health to repurpose unused state facilities to provide short-term residential beds to allow the stabilization, triage, and assessment of patients in need of services for mental health conditions, substance use, or homelessness.

Your Committee received written comments in support of this measure from the Governor's Coordinator on Homelessness, Department of Health, Hawaii County Council, Emergency Services Department for the City and County of Honolulu, Mayor's Office for the County of Hawaii, Hawaii State Rural Health Association, Hawaii Disability Rights Center, Hawaii Substance Abuse Coalition, Democratic Party of Hawaii, HOPE Services Hawaii, Catholic Charities Hawaii, The Queen's Health Systems, Hawaii Health and Harm Reduction Center, Partners in Care, and numerous individuals.

Your Committee finds that the State's lack of short-term stabilization services creates additional burdens for emergency departments, law enforcement, and individuals having behavioral or mental health conditions.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2505, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2505, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 7. Noes, none. Excused, 6 (English, Harimoto, Inouye, Kahele, Kidani, Shimabukuro).

SCRep. 2985 Ways and Means on S.B. No. 2683

The purpose and intent of this measure is to require the Hawaii Climate Change Mitigation and Adaptation Commission to further address, and submit a report to the Legislature regarding, sea level rise in the State.

Your Committee received written comments in support of this measure from the Office of Planning, Honolulu Board of Water Supply, IMUA Alliance, and one individual.

Your Committee finds that requiring the Hawaii Climate Change Mitigation and Adaptation Commission to further address sea level rise will help the State safeguard against and adapt to sea level rise.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2683, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2683, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 2986 Ways and Means on S.B. No. 2696

The purpose and intent of this measure is to require and appropriate moneys for the Office of Planning's preparation of a feasibility and implementation plan to assess tourism green fees on a per visitor, per stay basis.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Office of Planning, Kohala Coast Resort Association, Chamber of Commerce Hawaii, Hawaiian Airlines, Pacific Birds Habitat Joint Venture, Hawaii Lodging & Tourism Association, and four individuals.

Your Committee received written comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that natural resources are an essential part of the State's tourism industry, which supports our economy. Your Committee also finds, however, that Hawaii's natural resources are in a state of decline due to inadequate investment in conservation efforts. Your Committee further finds merit in researching the feasibility of imposing tourism green fees upon visitors, to be used by governmental entities to support conservation and natural resource management.

Your Committee has amended this measure by:

- (1) Clarifying the purpose of the advisory group;
- (2) Specifying that the Director of the Office of Planning shall serve as the Chair of the advisory group;
- (3) Clarifying the composition of the advisory group; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2696, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2696, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 2987 Ways and Means on S.B. No. 2897

The purpose and intent of this measure is to increase the marriage license fee to provide additional funding for certain Department of Health functions and programs.

More specifically, the increase in the marriage license fee will be directed to:

- (1) Support the Hawaii Birth Defects Program;
- (2) Fund modernization of the State's vital statistics system; and
- (3) More fairly compensate marriage license agents.

Your Committee received written comments in support of this measure from the Department of Health.

Your Committee finds that the data collected by the Hawaii Birth Defects Program is critical to identifying and investigating factors that may cause birth defects and to addressing community concerns about birth defects in the State.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2897, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2897, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (English, Harimoto, Inouye, Kahele, Moriwaki, Shimabukuro).

SCRep. 2988 Ways and Means on S.B. No. 3111

The purpose and intent of this measure is to clarify which vehicles qualify as alternative fuel vehicles for the purpose of annual vehicle registration surcharge fees.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee received written comments on this measure from Hawaii Electric Vehicle Association.

Your Committee finds that state law requires an annual vehicle registration surcharge fee from each registered owner of an alternative fuel vehicle in the State in lieu of payments for road taxes, which are included in the costs of purchasing gasoline in the State. Your Committee further finds that defining the term "alternative fuel vehicle" will help to clarify the vehicles that are to be included and excluded from the surcharge fee.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3111, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3111, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 2989 Ways and Means on S.B. No. 3142

The purpose and intent of this measure is to authorize the Department of Budget and Finance to issue special purpose revenue bonds to assist Pucio Development, LLC, with its proposed master planned development.

Your Committee received written comments in support of this measure from the Department of Hawaiian Home Lands; Pucio Development, LLC; Waiohuli Hawaiian Homestead Association, Inc.; and five individuals.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that, in addition to providing low- and moderate-income housing to the residents of Maui, the master planned development proposed by Pucio Development, LLC, will create new sources of alternative energy and economic opportunities for the County of Maui and the State. Your Committee also finds that the issuance of special purpose revenue bonds pursuant to this measure is in the public interest and that the proposed master plan development constitutes a project as defined in part IX, Chapter 39A, Hawaii Revised Statutes, and the financing thereof is assistance to a for-profit private organization in the development of low- and moderate-income housing.

Your Committee has amended this measure by making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3142, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3142, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Shimabukuro).

SCRep. 2990 Judiciary on S.B. No. 531

The purpose and intent of this measure is to establish the offense of financial exploitation of a vulnerable adult by a caregiver as a class A felony.

Your Committee received testimony in support of this measure from the Department of Human Services, Hawaii Credit Union League, and two individuals.

Your Committee finds that there is a growing trend of financial exploitation of vulnerable adults by caregivers. Caregivers gain extensive knowledge of their client's financial situation during their work and in cases where a vulnerable person is dependent on a caregiver for physical and social support, the vulnerable person can be particularly susceptible to financial exploitation. Financial exploitation of vulnerable adults often causes permanent damage, as they are typically unable to participate in the workforce to recoup their finances. Furthermore, abuse by caregivers can leave victims isolated and defenseless and unwilling to trust another caregiver, resulting in diminished quality of life.

Your Committee has amended this measure by making it effective on September 1, 2020.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 531, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 531, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 2991 Judiciary on S.B. No. 2025

The purpose and intent of this measure is to permit minors to consent to medical care related to the diagnosis or treatment of human immunodeficiency virus (HIV) or the prevention of HIV.

Your Committee received testimony in support of this measure from the Department of Health, The Trevor Project, LGBT Caucus of the Democratic Party of Hawai'i, Planned Parenthood Votes Northwest and Hawaii, Hawaii Youth Services Network, Filipina Advocacy Network, Hawai'i Health and Harm Reduction Center, Pride at Work – Hawaii, and fifteen individuals.

Your Committee finds that safe, effective medications for the treatment and prevention of HIV, and other sexually transmitted infections, need to be accessible for all individuals diagnosed with HIV or at high risk of acquiring HIV so that they can either prevent infection or receive care. This measure removes barriers to care for minors by allowing minors who cannot or will not seek the consent of their parents or guardians to consent to medication intervention and prevention of HIV infection.

Your Committee finds that in its current form, this measure is inconsistent as to who is liable for medical costs. Your Committee further finds it concerning that existing law provides that if a minor patient is not diagnosed as being pregnant or having a sexually transmitted infection, the treating physician or nurse may disclose such information to the patient's parent or guardian after consulting with the minor patient. Your Committee requests that as this measure proceeds it be amended to specify that neither the minor nor the parent is liable for medical costs and to stipulate that a treating physician or nurse may only disclose information regarding a minor's negative pregnancy or sexually transmitted infection diagnosis with the minor's consent.

Your Committee has amended this measure by inserting a defective date of August 26, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2025, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2025, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 2992 Judiciary on S.B. No. 2037

The purpose and intent of this measure is to restrict any county from disapproving or imposing certain conditions on a housing development project for housing or an emergency shelter unless the county meets certain requirements.

Your Committee received testimony in opposition to this measure from one member of the Maui County Council.

Your Committee finds that over the past four years, the Governor has used emergency proclamations to address homelessness by accelerating construction of housing projects. Through the use of proclamations, a total of 354 new permanent housing units were produced and set aside for individuals and families transitioning from homelessness. Your Committee further finds that emergency proclamations are not intended to be extended indefinitely and measures are needed to streamline housing development without the use of emergency declarations. This measure will help expedite the production of housing development projects or emergency shelters.

Your Committee has amended this measure by inserting an effective date of August 26, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2037, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2037, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 3; Ayes with Reservations (Keohokalole, Fevella). Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 2993 Judiciary on S.B. No. 2038

The purpose and intent of this measure is to permit two or more board members to attend a State of the City, State of the County, State of the State, and State of the Judiciary address without violating "sunshine" laws.

Your Committee received testimony in support of this measure from the Office of Information Practices, Office of the Mayor of the County of Hawai'i, one member of the Maui County Council, and one individual.

Your Committee finds that the ceremonial and informative State of the City, State of the County, State of the State, and State of the Judiciary addresses are a necessary function of public service. Board members should be able to freely attend such events for the dual benefit that board members are seen partaking in civic events, and that they are able to hear an important speech. This measure would specifically allow multiple board members to attend specified largely ceremonial events provided that they do not discuss potential board business between themselves and no commitment to vote is made.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2038, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2038, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 2994 Judiciary on S.B. No. 2119

The purpose and intent of this measure is to establish conditions and time limits under which a child or minor may be placed in room confinement in a detention or shelter facility.

Your Committee received testimony in support of this measure from the Hawaii State Judiciary, Hawaii Disability Rights Center, American Civil Liberties Union Hawai'i, and one individual.

Your Committee finds that room confinement poses a health and safety risk for youth, including increasing the likelihood of self-harm, suicide, and re-traumatizing youth who are already victimized. The State's juvenile justice system has undergone a major philosophical shift in recent years, leaving behind practices that exert control over youth through punishment and focusing on evidence-based and trauma-responsive approaches for holding youth accountable for their conduct. This measure ensures that room confinement is restricted to be used in very limited circumstances.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2119, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2119, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Gabbard).

SCRep. 2995 Judiciary on S.B. No. 2130

The purpose and intent of this measure is to repeal the requirement that the State Fire Code be adopted only after public hearings have been held and instead require that the fire code be adopted after meetings with pertinent stakeholders.

Your Committee received testimony in support of this measure from the Hawaii State Fire Council and Honolulu Fire Department.

Your Committee finds that under existing law, the Hawaii State Fire Council is required to comply with chapters 91 and 92, Hawaii Revised Statutes, to adopt the State Fire Code. The State Fire Code is among the codes and standards that compose the state building code; however, the fire code is the only building code that is required to hold public hearings, while other codes such as residential, plumbing, energy, and electrical codes are adopted by the State Building Code Council after a meeting with pertinent stakeholders. This measure will align the adoption of the State Fire Code with the requirements and procedures established for the adoption of all other state building codes.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2130, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2130, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 2996 Judiciary on S.B. No. 2263

The purpose and intent of this measure is to broaden the scope of profit-making operations students can engage in at schools to include commercial enterprises and allow students to receive either school credit or compensation when they engage in profit-making operations.

Your Committee received comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that the Hawaii P-20 Partnerships for Education is a statewide partnership led by the Executive Office on Early Learning, Department of Education, and University of Hawaii System to strengthen the education pipeline from early childhood through postsecondary education using training through data-informed decision-making, advocacy, policy coordination, and stakeholder engagement, in support of student achievement. This measure will enhance the work-based learning throughout the P-20 continuum as students engage in comprehensive, real-world immersive experiences particularly in the areas of entrepreneurship and strategic commercial enterprise.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2263, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2263, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 2997 Judiciary on S.B. No. 2311

The purpose and intent of this measure is to strengthen campus safety and accountability procedures and protocols, including those relating to sexual harassment, sexual assault, domestic violence, dating violence, stalking, and related issues, at Hawaii's institutions of higher education.

Your Committee received testimony in support of this measure from the American Association of University Women of Hawaii, IMUAlliance, Planned Parenthood Votes Northwest and Hawaii, and three individuals. Your Committee received comments on this measure from the Department of the Attorney General, Department of Commerce and Consumer Affairs' Hawaii Post-Secondary Education Authorization Program, and University of Hawaii'i System.

Your Committee finds that incidents of sexual and domestic violence are pervasive on college campuses in Hawaii. More than twenty-two percent of female students at the University of Hawaii have experienced dating or domestic violence and about twelve percent have been sexually harassed or stalked during their time at the university, according to a survey of students released in 2018. This measure requires the University of Hawaii and other higher education institutions to take steps to further protect Hawaii's college students.

Your Committee also finds that the University of Hawaii is required under existing law to designate a confidential advocate at each campus, and therefore designation of a confidential resources advisor as proposed by this measure is duplicative.

Your Committee has amended this measure by:

- (1) Deleting language that would have required the University of Hawaii to designate at least one confidential resource advisor; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2311, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2311, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 2998 (Joint) Commerce, Consumer Protection, and Health and Judiciary on S.B. No. 2543

The purpose and intent of this measure is to:

- (1) Prohibit an employer from discriminating against a person in hiring, termination, or condition of employment based on the person's status as a medical cannabis cardholder, under certain conditions; and
- (2) Specify that an employer may use a fit for duty test as a tool for medical cannabis users in potentially dangerous occupations.

Your Committees received testimony in support of this measure from the Hawai'i Cannabis Industry Association; Aloha Green Holdings Inc.; Community Alliance on Prisons; American Academy of Pediatrics, Hawaii Chapter; LGBT Caucus of the Democratic Party of Hawaii; Kush Hawai'i; The Drug Policy Forum of Hawai'i; and four individuals. Your Committees received testimony in opposition to this measure from the Department of Public Safety; Department of Human Resources of the City and County of Honolulu; Maui Police Department; Honolulu Police Department; Honolulu Emergency Services Department; Hawaii Food Industry Association; Hawaiian Electric Company, Inc.; Matson; Maui Chamber of Commerce; and Building Industry Association of Hawaii. Your Committees received comments on this measure from the Department of the Attorney General, Hawai'i Civil Rights Commission, Akamai Cannabis Clinic, and Chamber of Commerce Hawaii.

Your Committees find that several states have given people suffering from illness and disability access to medical cannabis. However, some medical cannabis users risk their jobs if they use it, even if that use is off-site and does not affect the workplace. The conflict between state and federal medical cannabis laws causes confusion for employers, who are unsure whether state medical cannabis laws supersede their power to enforce drug-free workplace policies against employees. Therefore, this measure clearly addresses the scope of accommodation that employers must provide to medical cannabis users.

Your Committees have amended this measure by:

- (1) Inserting language that exempts various categories of employment from the protections of this measure that prohibit an employer from discriminating against a person in hiring, termination, or condition of employment based on the person's status as a medical cannabis cardholder;
- (2) Inserting an effective date of January 2, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2543, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2543, S.D. 2.

Signed by the Chairs on behalf of the Committees.
Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Thielen).
Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 2999 Ways and Means on S.B. No. 2063

The purpose and intent of this measure is to establish the Hawaii After-School Program for Youth and the Hawaii After-School Program for Youth Special Fund.

Your Committee received written comments in support of this measure from the Department of Education, After-School All-Stars Hawaii, Aliamanu Middle School UPLINK, Hawaii Afterschool Alliance, Hawaii State Teachers Association, HE'E Coalition, Kaho'omiki, Parents and Children Together, and two individuals.

Your Committee received written comments on this measure from the Department of Budget and Finance and Department of Human Services.

Your Committee finds that providing additional after-school programs to Hawaii's public middle school students will promote the social, emotional, and academic well-being of these students and help prevent these students from engaging in negative and risky activities.

Your Committee has amended this measure by:

- (1) Clarifying that the purpose of the Hawaii After-School Program for Youth is to provide after-school programs to students in grades six through eight;
- (2) Clarifying that career and technical education programs that are provided through the Hawaii After-School Program for Youth shall receive priority allocation of moneys appropriated by this measure to the Department of Education;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2063, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2063, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3000 Ways and Means on S.B. No. 2077

The purpose and intent of this measure is to establish and appropriate funds for a tree planting program to plant at least one million native trees in the State per year.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Office of Planning, Trees for Honolulu's Future, Blue Zones Project, and seven individuals.

Your Committee finds that planting trees is an important way to help address the climate crisis and that trees benefit the environment, ecosystem, and human health.

Your Committee has amended this measure by:

- (1) Replacing the term "native trees" with the term "appropriate, non-invasive trees," and specifying that preference shall be given to native trees where appropriate;
- (2) Requiring the Board of Land and Natural Resources to work in partnership with the Greenhouse Gas Sequestration Task Force of the Office of Planning; and
- (3) Clarifying that county agencies may receive funding under the Hawaii tree planting program.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2077, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2077, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3001 Ways and Means on S.B. No. 2117

The purpose and intent of this measure is to establish one additional district court judge position in the District Court of the Second Circuit (County of Maui).

Your Committee received written comments in support of this measure from the Hawaii State Judiciary and one individual.

Your Committee finds that this measure would authorize, for the first time since 1982, one additional district court judgeship in the District Court of the Second Circuit, thereby allowing the Second Circuit to address an increase in criminal and traffic case filings.

Your Committee has amended this measure by:

- (1) Adding an unspecified appropriation of general revenues for the establishment of one permanent full-time equivalent (1.0 FTE) district court judge position in the District Court of the Second Circuit;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2117, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2117, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Shimabukuro).

SCRep. 3002 Ways and Means on S.B. No. 2142

The purpose and intent of this measure is to provide state and county departments and agencies with more time to comply with the new reporting standards of the Employees' Retirement System.

Your Committee received written comments in support of this measure from the City and County of Honolulu.

Your Committee received written comments on this measure from the Employees' Retirement System.

Your Committee finds that public employers have been experiencing great challenges in meeting the reporting standards that are mandated under Act 87, Session Laws of Hawaii 2015. Your Committee believes that more time is needed for both the Employees' Retirement System and public employers to work together to address the complex issues relating to employer reporting of the required information.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2142, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2142, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3003 Ways and Means on S.B. No. 2261

The purpose and intent of this measure is to address the shortage of teachers in the State.

Specifically, this measure:

- (1) Provides an income tax exclusion for certain public school teachers who earn \$60,000 or less per year; and
- (2) Defines eligible teachers as school teachers, special education teachers, school librarians, and school counselors employed by the Department of Education or a charter school.

Your Committee received written comments in support of this measure from the Early Learning Board, Hawaii Teacher Standards Board, Democratic Party of Hawaii Education Caucus, Hawaii State Teachers Association, Hui for Excellence in Education, Kamehameha Schools, and one individual.

Your Committee received written comments in opposition to this measure from the Hawaii Government Employees Association.

Your Committee received written comments on this measure from the Department of Taxation, Executive Office on Early Learning, and Tax Foundation of Hawaii.

Your Committee finds that the State is experiencing a chronic shortage of qualified teachers, due in part to the high cost of living in Hawaii. This measure is intended to improve teacher recruitment and retention by reducing the income tax burden on eligible teachers.

Your Committee has amended this measure by:

- (1) Establishing the income tax exclusion as part of section 235-7, Hawaii Revised Statutes, rather than as a new statutory section; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2261, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2261, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3004 Ways and Means on S.B. No. 2348

The purpose and intent of this measure is to provide bullying intervention training to public school employees.

More specifically, this measure:

- (1) Requires:
 - (A) Each public school principal to select at least one teacher from that principal's school to attend a bullying intervention training session;
 - (B) Each teacher who attends a bullying intervention training session to provide training on bullying intervention to at least five other public school employees; and
 - (C) The Department of Education to submit a report to the Legislature on the required bullying intervention training; and
- (2) Appropriates moneys for bullying intervention training sessions.

Your Committee received written comments in support of this measure from the State Public Charter School Commission, American Association of University Women of Hawaii, Filipina Advocacy Network, Hawai'i Children's Action Network Speaks!, Hawaii Women's Coalition, Hawaii Youth Services Network, LGBT Caucus of the Democratic Party of Hawaii, Women's Caucus of the Democratic Party of Hawaii, and numerous individuals.

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that providing bullying intervention training to the State's public school employees will help to reduce the incidence of bullying in the State's public schools.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2348, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2348, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Inouye, Kahele, Shimabukuro).

SCRep. 3005 Ways and Means on S.B. No. 2576

The purpose and intent of this measure is to exempt the University of Hawaii from reimbursing the State for contributions made by the State to the Hawaii Employer-Union Health Benefits Trust Fund and the Employees' Retirement System for university employees whose salary costs are paid by the University of Hawaii tuition and fees special fund.

Your Committee received written comments in support of this measure from the Department of Budget and Finance.

Your Committee received written comments on this measure from the University of Hawaii.

Your Committee finds that this measure codifies a present cost-sharing agreement between the University of Hawaii and the Department of Budget and Finance, without which an unintended consequence would be the university having to pay additional fringe benefit costs.

Your Committee has amended this measure by:

- (1) Clarifying that positions exempted from reimbursement shall be reported to the Legislature;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2576, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2576, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3006 Ways and Means on S.B. No. 3088

The purpose and intent of this measure is to appropriate funds to the Department of Business, Economic Development, and Tourism to support the State's international sister state relations.

Your Committee received written comments in support of this measure from the Department of Business, Economic Development, and Tourism.

Your Committee finds that the State has formal sister state relations with eighteen foreign states. Your Committee further finds that this measure will help to fund the costs to recognize and celebrate the significant anniversaries with various sister states in Japan, the Philippines, and Korea over the next two years.

Your Committee has amended this measure by making technical nonsubstantive changes to correct a spelling error and for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3088, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3088, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3007 Judiciary on S.B. No. 2315

The purpose and intent of this measure is to extend the deadline for each county police department to adopt and utilize an electronic tracking system for sexual assault evidence collection kits.

Your Committee received testimony in support of this measure from the Department of the Attorney General; City and County of Honolulu, Department of the Prosecuting Attorney; Honolulu Police Department; County of Hawaii, Office of the Prosecuting Attorney; and Sex Abuse Treatment Center.

Your Committee finds that Act 113, Session Laws of Hawaii 2018, required each county police department to establish an electronic tracking system for sexual assault evidence collection kits no later than January 1, 2020. Your Committee further finds that the county police departments, in coordination with the Hawaii Sexual Assault Kit Initiative, have been working with the Portland Police Department to implement the sexual assault management system (SAMS) developed by the Portland Police Department; however, due to various operational and technical issues, implementation of SAMS has not yet been possible. The police departments are now working with the Department of the Attorney General and the Portland Police Department to utilize SAMS-Track, a simplified version of SAMS. Therefore, a one year extension of the January 1, 2020, deadline is necessary for this purpose.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2315 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3008 Ways and Means on S.B. No. 75

The purpose and intent of this measure is to amend the law relating to appropriations.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by deleting its contents and replacing it with an emergency appropriation of \$6,000,000 to the Department of Health for the purposes of coronavirus disease 2019, or COVID-19, response measures in the State.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 75, as amended herein, and recommends that it be recommitted to your Committee on Ways and Means, in the form attached hereto as S.B. No. 75, S.D. 1, for further consideration.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

SCRep. 3009 Ways and Means on S.B. No. 2602

The purpose and intent of this measure is to amend the state estate and generation-skipping transfer tax law.

Specifically, this measure indexes the Hawaii estate tax applicable exclusion amount to inflation by applying the Internal Revenue Service inflation adjustment mechanism.

Your Committee received comments on this measure from the Department of Taxation, Hawaii Appleseed Center for Law and Economic Justice, Tax Foundation of Hawaii, and one individual.

Your Committee finds that, under current state estate and generation-skipping transfer tax law, the applicable exclusion amount, which is the amount of wealth that can be transferred free of Hawaii estate tax, is fixed at \$5,490,000. The intent of this measure is to index this amount for inflation.

Your Committee has amended this measure by:

- (1) Making a conforming amendment to the definition of “applicable generation-skipping transfer tax rate” in section 236E-2, Hawaii Revised Statutes;
- (2) Clarifying that the measure applies to decedents dying and taxable transfers occurring after December 31, 2020;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2602, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2602, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Shimabukuro).

SCRep. 3010 Ways and Means on S.B. No. 2921

The purpose and intent of this measure is to:

- (1) Amend the due date for employers to file the wage and tax statement, from the last day of February to January 31 following the close of the calendar year; and
- (2) Establish a \$25 penalty that may be imposed on employers that fail to timely furnish and file, or file electronically if required, the wage and tax statement.

Your Committee received testimony in support of this measure from the Department of Taxation.

Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that this measure will assist employers by aligning the State’s filing deadlines with those of the Internal Revenue Service. Your Committee also finds that the creation of a penalty will hold employers accountable for failing to meet their tax withholding responsibilities.

Your Committee has amended this measure by:

- (1) Specifying that an employer’s failure to furnish the wage and tax statement to an employee by the prescribed due date must be wilful for a penalty to be imposed; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2921, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2921, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3011 Ways and Means on S.B. No. 3139

The purpose and intent of this measure is to amend portions of the budget for the Executive Branch for the fiscal biennium beginning July 1, 2019, and ending June 30, 2021.

Specifically, this measure amends:

- (1) The amounts appropriated and capital improvement projects authorized by Act 40, Session Laws of Hawaii 2019; and
- (2) The amounts appropriated and operating and capital improvement grants authorized by Act 39, Session Laws of Hawaii 2019.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Department of Hawaiian Home Lands; Department of Human Services; Department of Budget and Finance; Department of Public Safety; Department of Accounting and General Services; Department of Business, Economic Development, and Tourism; Department of Defense; Department of Education; Department of Agriculture; Department of Transportation; Department of Health; Hawaii Health Systems Corporation; Hawaii Public Housing Authority; Office of Enterprise Technology Services; Natural Energy Laboratory of Hawaii Authority; Hawaii State Public Library System; and one individual.

Your Committee received comments on this measure from the University of Hawaii.

Your Committee intends for this measure to provide a vehicle to appropriate additional funds for capital improvement projects and operating and capital improvement grants that the Legislature determines are warranted.

Accordingly, your Committee has amended this measure by:

- (1) Changing the amounts appropriated by part II of the measure to the base amounts established by Act 40, Session Laws of Hawaii 2019;
- (2) Changing the amounts authorized for capital improvement projects in part III of the measure to the base amounts established by Act 40, Session Laws of Hawaii 2019; and
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3139, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3139, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3012 Ways and Means on S.B. No. 2084

The purpose and intent of this measure is to amend the Hawaii Real Property Tax Act.

More specifically, this measure clarifies that the definition of “resident person” under the Hawaii Real Property Tax Act does not include foreign partnerships, foreign limited liability partnerships, foreign limited partnerships, or foreign limited liability companies.

Your Committee received testimony in support of this measure from two individuals.

Your Committee received testimony in opposition to this measure from one individual.

Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that pursuant to section 235-68, Hawaii Revised Statutes, commonly referred to as the Hawaii Real Property Tax Act, whenever real property in the State is transferred, the buyer or transferee is required to withhold a percentage of the amount realized from the transfer. However, an exemption to this requirement is granted if the seller or transferor is a “resident person” and is not required to recognize any gain or loss on the transfer. Under the Hawaii Real Property Tax Act, the term “resident person” currently includes foreign partnerships, foreign limited liability partnerships, foreign limited partnerships, and foreign limited liability companies that are qualified to transact business in the State.

Your Committee also finds that, due to this exemption, the State loses tax revenues whenever a nonresident fails to pay the taxes due on a real property transfer. Removing foreign partnerships, foreign limited liability partnerships, foreign limited partnerships, and foreign limited liability companies from the definition of “resident person” would ensure that taxes would be properly withheld on all transfers involving nonresidents.

Your Committee further finds that subjecting nonresidents to this withholding requirement would not increase their tax burden, as the amount of taxes owed would remain the same. The only difference would be the manner in which the taxes are collected. Your Committee therefore finds that imposing this withholding requirement on nonresidents would promote the State’s legitimate interest in securing the payment of taxes before the revenue leaves the State.

Your Committee has amended this measure by:

- (1) Adding a purpose section to the measure;
- (2) Clarifying that the measure applies to real estate dispositions that occur on or after January 1, 2021; and
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2084, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2084, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Kahele).

SCRep. 3013 Ways and Means on S.B. No. 2624

The purpose and intent of this measure is to amend the low-income tax credit for low-income household renters.

Specifically, this measure:

- (1) Sets the tax credit amount based on adjusted gross income and filing status, phasing out the credit as the taxpayer's income rises;
- (2) Establishes a maximum tax credit of \$150 per exemption; and
- (3) Automatically adjusts the tax credit in future years according to increases in the United States Department of Labor consumer price index for urban Hawaii.

Your Committee received written comments in support of this measure from the IMUAlliance, Hawaii Appleseed Center for Law & Economic Justice, and Americans for Democratic Action Hawaii.

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that this measure provides a needed adjustment to the eligibility requirements for renters under the income tax credit for low-income household renters, as the cost of housing in the State has increased by three hundred ninety per cent since the income eligibility threshold for this credit was last adjusted in 1989. Your Committee further finds that this adjustment to the tax credit will benefit qualified low-income renters in the State.

Your Committee has amended this measure by:

- (1) Amending the provision for automatic adjustment of the tax credit in future years to be calculated using the percentage, if any, by which the consumer price index for June of the preceding calendar year exceeds the consumer price index for June 2020; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2624, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2624, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Kaele, Kidani, Taniguchi).

SCRep. 3014 Ways and Means on S.B. No. 2886

The purpose and intent of this measure is to convert the status of the Hawaii Emergency Management Agency's public information officer, civil defense administrative officer, branch chiefs, and emergency operations center state warning point personnel from civil service to exempt from civil service.

Your Committee received testimony in support of this measure from the Hawaii Emergency Management Agency, Hawaii State Energy Office, and two individuals.

Your Committee finds that exempting these key emergency management positions from civil service will: promote a more responsive, flexible, and aggressive hiring system that expedites the filling of vacancies; improve competitive recruiting and retention of qualified individuals; and reduce the State's risk in having critical positions vacant for extended periods.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2886, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2886, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Taniguchi). Noes, none. Excused, 3 (Harimoto, Inouye, Kaele).

SCRep. 3015 Ways and Means on S.B. No. 3124

The purpose and intent of this measure is to change the income tax rates for taxable years beginning after December 31, 2020.

Your Committee received testimony in support of this measure from Hawaii Appleseed Center for Law and Economic Justice, Hawaiian Community Assets and Hawaii Community Lending, Hawaii Health and Harm Reduction Center, League of Women Voters of Hawaii, Patients Without Time, and five individuals.

Your Committee received comments on this measure from the Department of Taxation, Americans for Democratic Action, and Tax Foundation of Hawaii.

Your Committee finds that Hawaii's high cost of living is an economic burden on working families. Your Committee also finds that this burden is a contributing factor in the net migration of persons who move away from the State to find better economic opportunities. Accordingly, your Committee believes that it is appropriate to relieve some of the economic burden on lower-income individuals by adjusting the income tax rates.

Your Committee has amended this measure by:

- (1) Adjusting some of the new income tax rates to correct for rounding errors;
- (2) Correcting language in the effective date clause regarding the taxable years to which the new income tax rates shall apply;

- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3124, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3124, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Kaehele, Kidani, Taniguchi).

SCRep. 3016 Ways and Means on S.B. No. 3175

The purpose and intent of this measure is to provide funding for services and initiatives under the state health insurance assistance program.

Specifically, the measure appropriates:

- (1) \$100,000 for service contracts to partner with the medical community, such as federally qualified health centers that currently serve older individuals;
- (2) \$100,000 for staffing contracts to provide additional support to the program's two full-time staff; and
- (3) \$75,000 for volunteer recruitment and retention, including developing and airing public service announcements and other print and digital media to promote the program.

Your Committee received testimony in support of this measure from the Department of Health, and five individuals.

You Committee received written comments on the measure from the Executive Office on Aging.

Your Committee finds that the funds appropriated by this measure will enable the state health insurance assistance program to expand and continue its mission to empower Hawaii seniors to make informed health care benefit decisions.

Your Committee has amended this measure by:

- (1) Changing the appropriation amounts to unspecified amounts;
- (2) Replacing the Department of Health as the expending agency with the Executive Office on Aging;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3175, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3175, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kaehele).

SCRep. 3017 Human Services on S.C.R. No. 13

The purpose and intent of this measure is to urge Congress to amend federal law to make coverage of routine costs of care for beneficiaries with life-threatening conditions in clinical trials mandatory for all Medicaid programs.

Your Committee received testimony in support of this measure from the Filipina Advocacy Network. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds there is no federal mandate for Medicaid to cover routine care costs for beneficiaries on clinical trials, and only ten states and the District of Columbia cover clinical trial participation for Medicaid beneficiaries. Your Committee further finds that members of Congress recently reintroduced legislation, the Clinical Treatment Act, H.R. 913, which would promote access to life-saving therapies for Medicaid enrollees by ensuring coverage of services furnished in connection with participation in qualifying clinical trials for enrollees with a life-threatening condition.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 13 and recommends that it be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Ihara).

SCRep. 3018 Human Services on S.R. No. 14

The purpose and intent of this measure is to urge Congress to amend federal law to make coverage of routine costs of care for beneficiaries with life-threatening conditions in clinical trials mandatory for all Medicaid programs.

Your Committee received testimony in support of this measure from the Filipina Advocacy Network FAN. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds there is no federal mandate for Medicaid to cover routine care costs for beneficiaries on clinical trials, and only ten states and the District of Columbia cover clinical trial participation for Medicaid beneficiaries. Your Committee further finds that members of Congress recently reintroduced legislation, the Clinical Treatment Act, H.R. 913, which would promote access to life-

saving therapies for Medicaid enrollees by ensuring coverage of services furnished in connection with participation in qualifying clinical trials for enrollees with a life-threatening condition.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 14 and recommends that it be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Ihara).

SCRep. 3019 Judiciary on S.B. No. 2187

The purpose and intent of this measure is to include coercion as a means of committing the offense of sex trafficking.

Your Committee received testimony in support of this measure from the Department of Defense, Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Kaua'i, Honolulu Police Department, IMUAlliance, and six individuals.

Your Committee finds that existing law defines the offense of sex trafficking to include advancing prostitution by "force, threat, fraud, or intimidation". There have been instances in which a set of particular facts did not fit within the existing definitions, such as a case in which a victim was not allowed to eat or sleep until completing a certain amount of sex work. Your Committee further finds that the U.S. Code defines severe forms of trafficking in persons as "sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age". This measure brings Hawaii law into conformity with federal law.

Your Committee has amended this measure by:

- (1) Inserting the federal definition of the term "coercion"; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2187, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2187, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 3020 Judiciary on S.B. No. 2609

The purpose and intent of this measure is to include the agent of a candidate among the persons prohibited from providing assistance to a voter at voter service centers and in the use of absentee ballots.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Office of Elections and Common Cause Hawaii.

Your Committee finds that the integrity of state elections is essential to the protection of democracy. This measure provides an extra safeguard to that integrity by prohibiting the agent of a candidate from providing voting assistance at voter service centers and in the use of absentee ballots.

Your Committee has amended this measure by:

- (1) Defining the agent of a candidate as a person who receives compensation from the candidate, candidate's committee, or is an official officer of the candidate's committee;
- (2) Inserting an effective date of January 1, 2021, to allow the Office of Elections to prepare materials; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2609, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2609, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3021 Judiciary on S.B. No. 2643

The purpose and intent of this measure is to:

- (1) Remove the criminal statute of limitations for sex trafficking and promoting prostitution;
- (2) Specify that sex trafficking of a minor is a strict liability offense; and
- (3) Designate the offense of solicitation of a minor for prostitution as sex trafficking.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, Honolulu Police Department, IMUAlliance, UNITE, and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that existing state law does not identify solicitation of a minor for prostitution as a form of sex trafficking, but under title 18 United States Code section 1591, federal law recognizes offering to engage in sexual activity with a minor for anything

of value as a form of sex trafficking. Your Committee finds that it is necessary to protect Hawaii's children from sexual exploitation by designating the solicitation of a minor for prostitution as a form of sex trafficking under state law.

Your Committee has amended this measure by:

- (1) Including coercion to engage in prostitution as a means by which to commit the offense of sex trafficking;
- (2) Clarifying that sex trafficking includes offering or agreeing to pay anything of value to engage in sexual activity with a minor; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2643, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2643, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3022 Judiciary on S.B. No. 2718

The purpose and intent of this measure is to establish the crime of sexual assault of an animal, and provide that the sexual assault of an animal is a class C felony or a class B felony if the offense subjects a minor to sexual contact with an animal or is committed in the presence of a minor.

Your Committee received testimony in support of this measure from The Humane Society of the United States, Hawaiian Humane Society, Animal Welfare Institute, Pono Advocacy, Animal Interfaith Alliance, Animal Rights Hawai'i, and twenty-six individuals. Your Committee received comments on this measure from the Office of the Public Defender.

Your Committee finds that the sexual assault of an animal is prohibited in forty-six states. In Hawaii, the sexual molestation of animals by humans is not adequately addressed by existing laws. Animal cruelty laws require proof of specific actions that inflict bodily injury to the animal and some sexual assaults of animals do not cause bodily injury and therefore cannot be prosecuted under animal cruelty laws. Your Committee further finds that the sexual assault of an animal can be a strong predictor of a tendency to commit other violent and sexual crimes, which has led the Federal Bureau of Investigation to track bestiality and other forms of animal cruelty as group A offenses in the national incident-based reporting system--the same category used to track rape and murder. This measure establishes the sexual assault of an animal as a separate crime from animal cruelty to allow state law enforcement officers to better identify potentially dangerous and violent sexual predators in their communities.

Your Committee has amended this measure by:

- (1) Excluding customary care of an animal by an owner from the offense; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2718, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2718, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3023 Judiciary on S.B. No. 2996

The purpose and intent of this measure is to:

- (1) Prohibit landlords from recovering possession of dwelling units from tenants if habitability of premises is significantly impaired;
- (2) Set a tenant's liability for rent if habitability of premises is significantly impaired; and
- (3) Provide remedies for unlawful retaliatory evictions.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs' Office of Consumer Protection, Pono Hawai'i Initiative, Chinatown Gateway Plaza Tenant Association, Parents and Children Together, Hawaii Appleseed Center for Law and Economic Justice, and one individual. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS®.

Your Committee finds that forty-three percent of households in the State are renters. The State also has the least amount of affordable housing inventory in the nation, resulting in thousands of families, many of whom are already facing eviction, being unable to find alternative housing. Your Committee further finds that evictions result in significant financial and social costs to the evicted household and the surrounding community, including homelessness, unemployment, crime, and mental and physical illness; thus, eviction procedures must carefully balance the landlord's need for sufficient enforcement against the tenant's need for sufficient protection. This measure establishes safeguards to enable tenants to defend themselves against wrongful evictions and prevent tenants from becoming targets for abuse or retaliation.

Your Committee has amended this measure by:

- (1) Deleting the reference to "significant impairment" as it is an undefined term;
- (2) Changing the effective date to August 26, 2050, to encourage further discussion; and

- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2996, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2996, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3024 Judiciary on S.B. No. 3046

The purpose and intent of this measure is to:

- (1) Require a court to order the charter of a corporation forfeited and the certificate authorizing a foreign corporation to do business in the State revoked upon a felony or misdemeanor conviction of the corporation or its high managerial agent that is committed in the conduct of the affairs of the corporation;
- (2) Repeal the requirement for specific findings for a court to order forfeiture of a charter or revocation of a certificate; and
- (3) Require similar penalties for various partnership entities and limited liability companies and their foreign counterparts convicted of a felony or misdemeanor.

Your Committee received testimony in support of this measure from the Young Progressives Demanding Action and five individuals.

Your Committee finds that corporations and other business entities are a powerful part of contemporary society and their conduct, like that of individuals, should be subject to penal sanctions under circumstances when its criminal actions injure substantial societal values and can be morally condemned. Existing law requires the court to find that the board of directors or a high managerial agent acting in behalf of the corporation has, in conducting the corporation's affairs, intentionally engaged in a persistent course of criminal conduct and that the public interest requires the charter of the corporation to be forfeited and the corporation to be dissolved or its certificate of authority to be revoked for the prevention of future criminal conduct of the same character. This heightened finding is ineffective as either a deterrent or punishment for corporate crimes. Thus, your Committee finds that when a corporation or high managerial agent of a corporation is convicted of a felony or misdemeanor committed in the conduct of the affairs of the corporation, the court, in sentencing the corporation or the agent, shall order the charter of a corporation organized under the laws of this State forfeited or the certificate of a foreign corporation authorizing it to do business in this State revoked.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3046, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3046, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3025 Judiciary on S.B. No. 2144

The purpose and intent of this measure is to require that committee reimbursements to individuals other than the candidate be itemized in candidates' committee reports submitted to the Campaign Spending Commission.

Your Committee received testimony in support of this measure from the Campaign Spending Commission, Common Cause Hawaii, and four individuals.

Your Committee finds that under existing law, only reimbursements to the candidate are required to be itemized in candidate expenditure reports. Often, individuals other than the candidate are reimbursed for campaign costs. Your Committee finds that requiring itemization of committee reimbursements to other individuals, in addition to those made to the candidate, will allow a reasonable person to determine the ultimate intended recipient of the expenditure and its purpose, thereby increasing transparency in campaign spending.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2144 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3026 Judiciary on S.B. No. 3004

The purpose and intent of this measure is to require commissioners in partition actions to:

- (1) File reports with the court and fully inform all interested parties of any applications and the specific details therein that may be required for the partition or division of the property, including applications for water meter permits;
- (2) Provide interested parties the right to object and be heard at a hearing; and
- (2) File a report with the court and submit proposed language of any deed of partition or of sale prior to the execution of such deeds.

Your Committee received testimony in support of this measure from four individuals.

Your Committee finds that the courts have the power to appoint commissioners with certain powers in partition actions, including the sale and division of real property; investigation of and reporting on the sale of certain real property in actions for foreclosure, partition, and quiet title; and execution of deeds and related conveyance documents for real property subject to partition. Your Committee received testimony that interested parties in partition actions are not informed of the commissioners' activities related to the action or its status, by the time they do learn of the partition action they are left to incur substantial legal fees to try to protect their ownership interest. In response to such testimony, your Committee concludes that all parties should be fully informed of any and all applications for permits that the commissioner may intend to submit and have the opportunity to object and be heard at a hearing prior to the commissioner submitting any such applications.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3004 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3027 Judiciary on S.B. No. 749

The purpose and intent of this measure is to:

- (1) Require mandatory mediation upon request of any defendant in a quiet title action when any portion of the land claimed by the plaintiff is kuleana land; and
- (2) Provide that the plaintiff shall bear the reasonable costs of the mediation and limit the costs recoverable.

Your Committee received testimony in support of this measure from the Office of Hawaii Affairs; Ka Lāhui Hawai'i Political Action Committee; We Are One, Inc.; twenty-nine individuals; and a form letter containing ninety-nine signatories.

Your Committee finds that existing law does not require mediation in quiet title actions filed against owners of kuleana lands. Many kuleana land parcels have been passed down over many generations of heirs, representing the traditional Native Hawaiian tenure of ancestral lands. Defense of quiet title actions places economic stresses on the numerous family members to assert their interest in the lands. This measure would alleviate the economic stress of defendants against quiet title actions by providing mandatory mediation to help resolve the dispute or narrow the issues in dispute, thus lowering the complexity and costs of litigation, especially for parties not represented by counsel.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 749 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 3028 Judiciary on S.B. No. 2146

The purpose and intent of this measure is to specify that the deadline for a candidate committee to submit a preliminary primary report is ten calendar days before a primary, initial special, or initial nonpartisan election and the deadline for a preliminary general report is ten calendar days before a general, subsequent special, or subsequent nonpartisan election.

Your Committee received testimony in support of this measure from the Campaign Spending Commission, Common Cause Hawaii, and League of Women Voters Hawaii.

Your Committee finds that under existing law, candidate committees must submit preliminary primary reports and preliminary general reports to the Campaign Spending Commission on time or face a fine; however, the statute is unclear as to which deadlines such fines apply. This measure clarifies that the increased fine for late-filing of preliminary primary and preliminary general reports only applies to reports that are due ten days before the primary or general election.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2146 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3029 Judiciary on S.B. No. 2147

The purpose and intent of this measure is to provide that excess contributions by nonresident contributors shall escheat to the Hawaii Election Campaign Fund if not returned to the contributor within thirty days.

Your Committee received testimony in support of this measure from the Campaign Spending Commission, Common Cause Hawaii, and four individuals.

Your Committee finds that under existing law, excess campaign contributions not returned to the contributor within thirty days, escheat to the Hawaii Election Campaign Fund. Currently, contributions from out-of-state contributors are not included in this statutory provision. Your Committee further finds that the recipient of such contributions should have the choice as to whom should receive the excess contribution.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language to specify that any candidate or candidate committee that receives excess nonresident contributions, as determined by the Campaign Spending Commission after the final election period report has been submitted, shall return any excess contribution to one or more nonresident contributors of their choosing within thirty days or else the excess contribution shall escheat to the Hawaii Election Campaign Fund; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2147, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2147, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3030 Judiciary on S.B. No. 2149

The purpose and intent of this measure is to:

- (1) Amend the definition of “disclosure date” to mean the date on which an electioneering communication is publicly distributed and the person making the electioneering communication has expended more than \$2,000 on electioneering communications in the aggregate; and
- (2) Expand the definition of “electioneering communication” to apply to advertisements sent by any mail rate and communications regarding expenditures of the organization.

Your Committee received testimony in support of this measure from the Campaign Spending Commission and League of Women Voters Hawaii. Your Committee received comments on this measure from Common Cause Hawaii.

Your Committee finds that the democratic election process benefits from transparency in campaign advertising. Your Committee further finds that well-funded political action committees are capable of influencing elections to a significant degree. This measure will increase transparency and provide clarification to campaign advertising laws.

Your Committee further finds that in light of the additional disclosure dates of April 30 and October 1 in election years, as required by the enactment of Act 241, Session Laws of Hawaii 2019, the reporting requirements for electioneering communications for candidate committees can be safely removed.

Your Committee has amended this measure by:

- (1) Applying the electioneering communication section only to noncandidate committees; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2149, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2149, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3031 Judiciary on S.B. No. 3119

The purpose and intent of this measure is to amend or repeal 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.

Your Committee received testimony in support of this measure from the Department of Taxation and Legislative Reference Bureau.

Your Committee finds that this statutory revision measure is submitted by the Legislative Reference Bureau pursuant to Chapter 23G, Hawaii Revised Statutes. All of the statutory amendments proposed by this measure are intended to be technical in nature to correct errors, omissions, or obsolete laws.

Your Committee has amended this measure by:

- (1) Inserting a new bill section to make the following amendments to section 291E-61.5, Hawaii Revised Statutes (HRS):
 - (A) Relocating all definitions to appear at the end of the section and in alphabetical order to conform to the customary drafting convention and realphabetizing the subsequent subsections and updating internal cross references;
 - (B) Correcting a cross reference to “section 291E-61(d)”, HRS, in section 291E-61.5(d)(2)(D), HRS, to reflect the appropriate provision in section 291E-61.5, HRS, regarding the referral of probationers to a certified substance abuse counselor; and
 - (C) Making additional technical nonsubstantive amendments for purposes of consistency and style;
- (2) Rephrasing as a proviso the amendments to the provision in section 261-16(a), HRS, requiring that applications for airport site approvals be made before the acquisition of the site or before the construction or establishment of the proposed airport;
- (3) Repealing existing paragraph number designations and deleting corresponding technical amendments in the provision in section 281-111, HRS, authorizing court orders for the destruction, sale, or other disposition of condemned and forfeited liquor and related property;

- (4) Deleting the amendments to section 291C-103(f)(2)(B), HRS, except for the conjunction added to the end of that provision by this measure; and
- (5) Making technical nonsubstantive amendments for purposes of consistency and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3119, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3119, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3032 Ways and Means on H.B. No. 1049

The purpose and intent of this measure is to improve the Department of Taxation's ability to administer taxes.

More specifically, this measure makes various technical amendments to Chapters 231, 243, 244D, and 245, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Taxation.

Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that, according to the Department of Taxation, Chapters 243 (fuel tax law), 244D (liquor tax law), and 245 (cigarette tax and tobacco tax law), Hawaii Revised Statutes, have not been reviewed for technical housekeeping amendments in many years. Your Committee believes that this measure will add clarity to the State's tax laws and allow for more effective administration.

Your Committee has amended this measure by:

- (1) Adding a new section to Chapter 243, Hawaii Revised Statutes, to incorporate relevant provisions of Chapters 235 (income tax law) and 237 (general excise tax law), Hawaii Revised Statutes;
- (2) Amending sections in Chapters 243, 244D, and 245, Hawaii Revised Statutes, related to licensing and permitting, to operate in a consistent manner;
- (3) Repealing an obsolete provision in section 243-2, Hawaii Revised Statutes, regarding the licensing of fuel distributors;
- (4) Amending section 243-10, Hawaii Revised Statutes, to clarify that, other than information specifically designated as public records, fuel tax return information is confidential;
- (5) Removing direct wine shipper permits from the definition of "dealer" in section 244D-1, Hawaii Revised Statutes;
- (6) Amending section 245-33, Hawaii Revised Statutes, to reduce the amount refunded to taxpayers for unused cigarette tax stamps by any amount of discounted purchase price received under section 245-22(e), Hawaii Revised Statutes; and
- (7) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1049, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1049, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3033 (Joint) Education and Ways and Means on S.B. No. 35

The purpose and intent of this measure is to:

- (1) Establish a safe space program within Alternative Learning Centers in the Department of Education to support students by providing twenty-four hours per day seven days per week emergency crisis services; and
- (2) Make an appropriation.

Your Committees received testimony in support of this measure from the Complex Area Superintendent of the Nanakuli-Waianae Complex Area, Waianae High School, Adult friends for Youth, and twelve private individuals. Your Committees received testimony in opposition to this measure from one private individual. Your Committees received comments on this measure from the Department of Education.

Your Committees find that a safe space program within the Alternative Learning Centers of the Department of Education would provide support for children who are in crisis due to issues and conditions they are experiencing in their lives outside of the classroom. Students who receive this assistance will have improved learning outcomes.

Your Committees find that the State should provide the educational and behavioral health supports needed to help all children grow up to become healthy, happy, productive members of society. Therefore, in implementing the safe space program, the Department of Human Services is encouraged to reach out to private nonprofit organizations with specialized expertise in this area.

Your Committees have amended this measure by:

- (1) Clarifying that the safe space program is an add-on pilot project and not a requirement for every Alternative Learning Center in the State;

- (2) Including in the preamble that the purpose of this measure is to support students within the Alternative Learning Center program as a priority target group, and noting that these students are identified as having needs for support outside of the classroom to contribute towards their educational success; and
- (3) Including a limited exemption from the procurement code for the purpose of awarding contracts to effectuate the safe place program within the Alternative Learning Centers of the Department of Education; provided that all contracts awarded must still comply with statutory and regulatory requirements for post-award documentation, management, and posting, including but not limited to section 103D-310(c).

As affirmed by the records of votes of the members of your Committees on Education and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 35, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 35, S.D. 2, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Education: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

SCRep. 3034 (Joint) Water and Land and Ways and Means on S.B. No. 70

The purpose and intent of this measure is to establish 2.0 FTE positions and appropriate funds to continue small boat harbor saturation enforcement operation pilot testing within the Ala Wai and Keehi small boat harbors and develop effective enforcement for the State's small boat harbors.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Coral Fish Hawaii, and one individual. Your Committees received testimony in opposition to this measure from two individuals.

Your Committees find that the Department of Land and Natural Resources is responsible for managing 1,300,000 acres of state lands, beaches, and coastal areas, which include ensuring public health and safety at the State's sixteen small boat harbors. The State's small boat harbors are essential hubs for boating and ocean recreation enthusiasts. However, small boat harbors also attract criminal activity, such as property crime, drug dealing, and pollution.

Your Committees further find that during the month of November 2019, the Division of Conservation and Resources Enforcement conducted saturation operations at the Ala Wai small boat harbor, which resulted in numerous citations and arrests as well as the removal of vessels posing potential environmental hazards to ocean waters. These saturation operations created an increased atmosphere of safety for harbor tenants, staff, and users. This measure, which extends these saturation operations on a long-term basis, will help to solidify the increase in safety, environmental protection, and protection of property at the Ala Wai and Keehi small boat harbors.

As affirmed by the records of votes of the members of your Committees on Water and Land and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 70, S.D. 1, and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (English, Shimabukuro, Taniguchi, Fevella).

SCRep. 3035 (Joint) Human Services and Commerce, Consumer Protection, and Health on S.C.R. No. 14

The purpose and intent of this measure is to convene a task force on corporal punishment in support of the right of parents to use safe and effective methods of discipline and teaching that:

- (1) Evaluates scientific research on the use of corporal punishment on children and the effects thereof;
- (2) Recommends strategies to promote, and disseminate information on safe and effective methods of discipline; and
- (3) Make a recommendation on whether corporal punishment of children by their parents or other caregivers should be banned or otherwise limited in Hawaii.

Your Committees received testimony in support of this measure from the Department of Education, Hawai'i Chapter of the American Academy of Pediatrics, Parents and Children Together, Early Childhood Action Strategy, Hawai'i Children's Action Network Speaks!, and two individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments from the Department of Human Services.

Your Committees find that The American Association of Pediatricians issued a statement in December of 2018, recommending parents not use any form of physical punishment due to documented negative impacts and lack of effectiveness. In 2006, the United Nations recommended a ban on corporal punishment. Accordingly, fifty-eight countries have passed legislation in furtherance of the United Nations' recommendation. In 1973, Hawaii was the third state to effectively ban corporal punishment in schools and a concurrent resolution was adopted in the 1990s disallowing corporal punishment in public-schools.

Your Committees further find that it is the appropriate time to consider whether corporal punishment of children by their parents should be banned through a systemic fashion of inquiry and analysis that furthers Hawaii's leadership in a movement to eliminate the purposeful infliction of pain and its negative consequences on children.

Your Committees heard the testimony of the Department of Human Services expressing concerns that it is not able to undertake this task as the lead agency, but your Committees respectfully urge the Department of Human Services to head the task force.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purpose of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Commerce, Consumer Protection, and Health that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 14, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 14, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 4. Noes, none. Excused, 1 (Ihara).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Nishihara, Thielen).

SCRep. 3036 Human Services on S.C.R. No. 10

The purpose and intent of this measure is to urge the Department of Human Services to provide a budget estimate and a discussion on how the expansion of Med-Quest coverage could be accomplished through legislative and regulatory means to expand the period of coverage for post-partum women.

Your Committee received testimony in support of this measure from the Hawaii Primary Care Association, Save Medicaid Hawaii, Filipina Advocacy Network, Hawaii Women's Coalition, Hawai'i Applesseed Center for Law and Economic Justice, American Association of University Women of Hawaii, American College of Obstetricians and Gynecologists, Planned Parenthood Votes Northwest and Hawaii, Kōkua Kalihi Valley Comprehensive Family Services, Breastfeeding Hawaii, Hawaii Substance Abuse Coalition, Hawaii Maternal and Infant Health Collaborative, and nine individuals. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that women are highly motivated during pregnancy to address their healthcare problems, and that progress in their health can be pre-empted when insurance coverage is lost. Your Committee also finds that in Hawaii, migrant and immigrant groups, populations primarily dependent on Med-Quest, are at high risk of poor birth outcomes and increased neonatal intensive care unit admissions due, in part, to daunting system barriers to continuous health insurance coverage. Medicaid pregnancy coverage, which pays for nearly half of all births in the United States, expires sixty days post-partum. Complications associated with pregnancy do not always end when the pregnancy ends or even sixty days after pregnancy ends.

Your Committee notes, national data and local experience indicates that by extending Med-Quest coverage until twelve months postpartum, incidents of pregnancy-related chronic illnesses, post-partum maternal mortality rates, and costs resulting from improved birth outcomes and fewer neonatal intensive care unit admissions could decrease. Your Committee also notes that extending Med-Quest coverage to twelve months after pregnancy would promote equitable access to healthcare for some of Hawaii's most vulnerable communities.

Your Committee has heard the testimony of the Department of Human Services expressing that there are measures with similar intent that have recently been introduced as well as concern for the potential challenges that may exist in getting federal matching dollars for this program. Your Committee appreciates that the Department will provide a range of well-researched options to consider when refining the proposed coverage expansion for future legislative sessions.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 10 and recommends its adoption.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Ihara).

SCRep. 3037 Human Services on S.R. No. 11

The purpose and intent of this measure is to urge the Department of Human Services to provide a budget estimate and a discussion on how the expansion of Med-Quest coverage could be accomplished through legislative and regulatory means to expand the period of coverage for post-partum women.

Your Committee received testimony in support of this measure from the Hawaii Primary Care Association, Save Medicaid Hawaii, Filipina Advocacy Network, Hawaii Women's Coalition, Hawai'i Applesseed Center for Law and Economic Justice, American College of Obstetricians and Gynecologists, Kōkua Kalihi Valley Comprehensive Family Services, American Association of University Women of Hawaii, Breastfeeding Hawaii, Hawaii Substance Abuse Coalition, Hawaii Maternal and Infant Health Collaborative, and eight individuals. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that women are highly motivated during pregnancy to address their healthcare problems, and that progress in their health can be pre-empted when insurance coverage is lost. Your Committee also finds that in Hawaii, migrant and immigrant groups, populations primarily dependent on Med-Quest, are at high risk of poor birth outcomes and increased neonatal intensive care unit admissions due, in part, to daunting system barriers to continuous health insurance coverage. Medicaid pregnancy coverage, which pays for nearly half of all births in the United States, expires sixty days post-partum. Complications associated with pregnancy do not always end when the pregnancy ends or even sixty days after pregnancy ends.

Your Committee notes, national data and local experience indicates that by extending Med-Quest coverage until twelve months postpartum, incidents of pregnancy-related chronic illnesses, post-partum maternal mortality rates, and costs resulting from improved birth outcomes and fewer neonatal intensive care unit admissions could decrease. Your Committee also notes that extending Med-Quest coverage to twelve months after pregnancy would promote equitable access to healthcare for some of Hawaii's most vulnerable communities.

Your Committee has heard the testimony of the Department of Human Services expressing that there are measures with similar intent that have recently been introduced as well as concern for the potential challenges that may exist in getting federal matching dollars for this program. Your Committee appreciates that the Department will provide a range of well-researched options to consider when refining the proposed coverage expansion for future legislative sessions.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 11 and recommends its adoption.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Ihara).

SCRep. 3038 Judiciary on S.B. No. 2233

The purpose and intent of this measure is to require the examiner of drivers to disqualify any person from driving a commercial motor vehicle for life if that person uses a commercial motor vehicle in the commission of a felony involving an act or practice of severe forms of trafficking in persons.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that effective September 23, 2019, the Federal Motor Carrier Safety Administration amended 49 Code of Federal Regulations parts 383 and 384 to permanently disqualify from driving a commercial motor vehicle, individuals convicted of a felony involving a severe form of trafficking of persons, as defined in 22 United States Code 7102(11), while operating a commercial motor vehicle. This measure brings Hawaii law into compliance with the federal mandates.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2233, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3039 Ways and Means on S.B. No. 2796

The purpose and intent of this measure is to appropriate funds for the design, plans, and construction of the Kalaupapa memorial.

Your Committee received written comments in support of this measure from the Office of Community Services of the Department of Labor and Industrial Relations, Ka Ohana O Kalaupapa, and numerous individuals.

Your Committee finds that the Kalaupapa memorial will serve as a permanent commemoration of the people having Hansen's disease who were isolated by government policies on the island of Molokai.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2796, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3040 (Joint) Commerce, Consumer Protection, and Health and Judiciary on S.B. No. 2712

The purpose and intent of this measure is to update existing laws concerning agricultural cooperative associations and consumer cooperative associations with regard to, among other things, operations as resale agents and conversions.

Your Committees received testimony in support of this measure from the Hawaii Small Business Development Center, East Hawaii; Food and Agriculture Initiatives, The Kohala Center; and one individual.

Your Committees find that a cooperative is an autonomous association of persons united voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly-owned and democratically-controlled enterprise. In Hawaii specifically, the costs of operating businesses are high due to our geographic isolation, and business owners see increased costs in terms of building, agricultural inputs, packaging, machinery, and labor. The cooperative business model therefore provides an avenue for small businesses to come together to obtain an economic benefit that might mean the difference between the success and failure of their businesses.

Your Committees further find that Hawaii's Agricultural Cooperative Associations Act was enacted in 1949, which is based on the Uniform Agricultural Cooperative Associations Act. This measure provides important updates to allow for the expansion of lawful practices within cooperatives so that Hawaii's small businesses and cooperatives can continue to evolve and take advantage of new markets, both locally and globally.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2712, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.
Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Thielen).
Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 3041 (Joint) Commerce, Consumer Protection, and Health and Judiciary on S.B. No. 2706

The purpose and intent of this measure is to ensure that agricultural lands organized under a condominium property regime are used for agricultural purposes by amending certain land subdivision and condominium property regime laws relating to agricultural lands.

Your Committees received testimony in support of this measure from the Department of Agriculture, Office of Planning, and Department of Planning and Permitting of the City and County of Honolulu.

Your Committees find that designating land for agricultural uses can increase the long-term sustainability of local agricultural production. Your Committees further find that to ensure that agricultural lands are being utilized appropriately, the Legislature enacted Act 278, Session Laws of Hawaii 2019, which directed the Office of Planning, in consultation with other agencies, to study land subdivision and condominium property regime laws relating to agricultural lands. As a result, the Office of Planning submitted recommendations to the Legislature on how to better enforce requirements that agricultural lands are used for agricultural purposes.

This measure will ensure that agricultural lands that are organized under a condominium property regime are used for agricultural purposes by amending existing law to clarify the definition of "farm dwelling" and to allow for better oversight and enforcement by the counties.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2706 and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Thielen).

Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 3042 Commerce, Consumer Protection, and Health on S.B. No. 3091

The purpose and intent of this measure is to enable the Hawaii Medical Board to certify emergency medical personnel other than emergency ambulance service personnel.

Your Committee received testimony in support of this measure from the State Fire Council, Honolulu Emergency Services Department of the City and County of Honolulu, Hawai'i Fire Department, Kaua'i Fire Department, and six individuals. Your Committee received comments on this measure from the Department of Health and Hawaii Medical Board.

Your Committee finds that emergency medical personnel are an integral component of Hawaii's emergency medical system. However, existing state laws relating to the certification of emergency medical personnel address only emergency ambulance service personnel and do not address all emergency medical personnel. This measure will authorize the Hawaii Medical Board to certify other emergency medical personnel, such as firefighters and ocean safety lifeguards, and, thus, increase the supply of emergency medical responders in the State.

Your Committee has amended this measure by:

- (1) Clarifying that emergency service personnel, rather than solely emergency ambulance service personnel, are subject to certification by the Hawaii Medical Board for the practice of emergency medical services;
- (2) Deleting language that would have allowed an individual with proof of current certification from the National Registry of Emergency Medical Technicians to be deemed qualified to perform emergency medical services as an emergency medical technician in the State;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3091, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3091, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, 2 (Nishihara, Fevella).

SCRep. 3043 Ways and Means on S.B. No. 2430

The purpose and intent of this measure is to establish and appropriate funds for a full-time Climate Change and Human Health Adaptation Coordinator position within the Department of Health.

Your Committee received written comments in support of this measure from the Department of Health, Office of Planning, Planning Department for the County of Hawaii, Board of Water Supply for the City and County of Honolulu, Hawaii County Council, Healthy Climate Communities, and three individuals.

Your Committee finds that the addition of a permanent coordinator to address human adaptation issues related to climate change will help fill a gap in the State's climate change response plan.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2430, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2430, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 8; Ayes with Reservations (Fevella). Noes, none. Excused, 5 (English, Harimoto, Inouye, Kahele, Shimabukuro).

SCRep. 3044 Ways and Means on S.B. No. 2490

The purpose and intent of this measure is to establish and appropriate funds for a task force to draft an implementation plan for creating a retirement savings program for private sector employees who are not covered by an existing employer-sponsored retirement plan.

Your Committee received written comments in support of this measure from AARP, Hawaii Appleseed Center for Law and Economic Justice, Hawaii Family Caregiver Coalition, Maui Chamber of Commerce, National Conference on Public Employee Retirement Systems, and seven individuals.

Your Committee received written comments in opposition to this measure from the American Council of Life Insurers, NAIFA Hawaii, and SIFMA.

Your Committee received written comments on this measure from the State Procurement Office and the Tax Foundation of Hawaii.

Your Committee finds that half of our State's private sector workers do not have access to an employer-sponsored retirement plan, and very few who are eligible to contribute to an individual retirement account actually do so. Low-wage workers are especially unlikely to have retirement plans available to them at their workplaces. Also, a major advantage of a state plan would be that workers could keep their accounts with them when and if they change jobs. Lastly, an important feature of existing state plans is automatic enrollment, which has been found to make it easier for workers to save for their retirement.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2490, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2490, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3045 Ways and Means on S.B. No. 2542

The purpose and intent of this measure is to address the shortage of physicians and advance practice registered nurses in the State.

More specifically, this measure exempts from the general excise tax all gross proceeds arising from the sale of medical services by physicians and advanced practice registered nurses acting in the capacity of a primary care provider.

Your Committee received written comments in support of this measure from the Mayor of the County of Hawaii; Hawaii State Rural Health Association; Hawaii Physician Shortage Crisis Task Force; Hawaii Radiologic Associates, Ltd.; American Academy of Pediatrics, Hawaii Chapter; Hawaii Institute of Pain; Hawaii - American Nurses Association; Hawaii Radiologic Society; Ear, Nose, & Throat Clinics of Oahu, LLC; McMann Eye Institute; Philippine Medical Association of Hawaii; Hawaii Emergency Physicians Associated; Hawaii Emergency Physicians Association; Hawaii Medical Association; East Hawaii Independent Physicians Association; Hawaii Public Health Institute; Hawaii Society of Clinical Oncology; Hawaii Academy of Family Physicians; and numerous individuals.

Your Committee received comments on this measure from the Department of Taxation, Grassroot Institute of Hawaii, Lighthouse Healing LLC, and Tax Foundation of Hawaii.

Your Committee finds that exempting from the general excise tax all gross proceeds arising from the sale of medical services by physicians and advanced practice registered nurses acting in the capacity of a primary care provider will help to reduce the negative impact of the general excise tax on those physicians and advanced practice registered nurses.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2542, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2542, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (English, Harimoto, Inouye, Kahele, Kidani, Shimabukuro).

SCRep. 3046 Ways and Means on S.B. No. 2616

The purpose and intent of this measure is to exempt affordable housing units, additions to existing dwelling units, accessory dwelling units, ohana dwelling units, and affordable housing projects developed by the Hawaii Public Housing Authority from fifty percent of the school impact fee revenues imposed and collected by the Department of Education.

Your Committee received written comments in support of this measure from the Hawaii Public Housing Authority and EAH Housing.

Your Committee received written comments in opposition to this measure from the Building Industry Association of Hawaii and Chamber of Commerce Hawaii.

Your Committee received written comments on this measure from the Department of Education and Office of Hawaiian Affairs.

Your Committee finds that school impact fees increase the costs of development. Your Committee further finds that it is appropriate to reduce the total cost of developing affordable housing by reducing by fifty percent the school impact fees paid by developers of certain residential dwellings.

Your Committee has amended this measure by:

- (1) Clarifying that certain housing projects and dwelling units shall be exempt from fifty percent of the fee revenues imposed and collected pursuant to section 302A-1603(a), Hawaii Revised Statutes;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making a technical nonsubstantive change for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2616, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2616, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3047 Ways and Means on S.B. No. 2617

The purpose and intent of this measure is to appropriate funds to the Hawaii Health Systems Corporation for improving access to urgent care and expanding services for outpatient behavioral health at the Kau Rural Health Clinic.

Your Committee received written comments in support of this measure from the Mayor of the County of Hawaii, Hawaii Health Systems Corporation for the East Hawaii Region, Hawaii Public Health Association, and two individuals.

Your Committee finds that improving access to urgent care and expanding services for outpatient behavioral health will improve the health and well-being of Kau residents.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2617, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2617, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3048 Ways and Means on S.B. No. 2687

The purpose and intent of this measure is to raise revenue for necessary capital improvement projects on highways in certain counties of the State.

More specifically, this measure:

- (1) Increases to \$8 per day the rental motor vehicle surcharge tax in any county having a resident population of more than 125,000, but less than 195,000;
- (2) Allocates \$3 of the \$8 per day increase of the rental motor vehicle surcharge tax required by this measure for deposit into the impacted county's subaccount within the state highway fund; and
- (3) Specifies that for the County of Maui, the moneys collected pursuant to this measure for deposit into the County of Maui's subaccount within the state highway fund shall be directed first toward the Honoapiilani Highway realignment project before those funds may be expended for any other project.

Your Committee received written comments in support of this measure from the Office of the Mayor, County of Maui; Department of Transportation, County of Maui; a member of the Maui County Council; Maui Metropolitan Planning Organization Policy Board; West Maui Taxpayers Association, Inc.; Maui Chamber of Commerce; Maui Bicycle League; and three individuals.

Your Committee received written comments in opposition to this measure from the Avis Budget Group and Enterprise Holdings.

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that this measure will raise needed revenue to fund capital improvement projects on highways in the State that will relieve traffic congestion and improve the quality of life of Hawaii's residents and visitors.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2687, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2687, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (English, Kahele).

SCRep. 3049 Ways and Means on S.B. No. 2691

The purpose and intent of this measure is to facilitate the increase in teachers who specialize in science, technology, engineering, and mathematics education.

Specifically, this measure:

- (1) Establishes a network improvement community task force to develop a kindergarten through grade twelve (K-12) science, technology, engineering, and mathematics (STEM) teacher education degree at the University of Hawaii; and
- (2) Appropriates funds to the University of Hawaii Maui College to support the activities of the task force and for one full-time equivalent STEM entrepreneur-resident position at the college to provide expertise and assistance to the task force.

Your Committee received written comments in support of this measure from the University of Hawaii.

The Hawaii Teacher Standards Board, Department of Education, Department of the Attorney General, and one individual submitted written comments on this measure.

Your Committee finds that the anticipated development of a K-12 STEM teacher education degree at the University of Hawaii, through the work of the network improvement community task force established by this measure, is a worthy endeavor to address the shortage of qualified STEM teachers in the State.

Your Committee has amended this measure by:

- (1) Clarifying that the development of a K-12 STEM teacher education degree at the University of Hawaii is a matter of statewide concern;
- (2) Changing the appropriation amounts to unspecified amounts;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2691, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2691, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (English, Kahele, Taniguchi).

SCRep. 3050 Ways and Means on S.B. No. 2703

The purpose and intent of this measure is to establish a grant program in the Department of Agriculture to assist beginning farmers and ranchers with the costs of starting a farm or ranch.

Your Committee received written comments in support of this measure from the Department of Agriculture, Maui Chamber of Commerce, and Land Use Research Foundation of Hawaii.

Your Committee finds that the proposed grant program will help the State meet its food security and food self-sufficiency goals by assisting beginning farmers and ranchers with start-up costs.

Your Committee has amended this measure by:

- (1) Clarifying that the grant program shall assist farmers and ranchers with the costs of starting a commercial farm or ranch;
- (2) Changing the appropriation amount from \$1,000,000 to an unspecified sum;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2703, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2703, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Shimabukuro).

SCRep. 3051 Ways and Means on S.B. No. 2705

The purpose and intent of this measure is to extend the important agricultural land qualified agricultural cost tax credit that will expire at the end of the 2021 tax year.

Your Committee received written comments in support of this measure from the Department of Agriculture, Department of Planning and Permitting of the City and County of Honolulu, Office of Planning, Land Use Research Foundation of Hawaii, Hawaii Farm Bureau, Ulupono Initiative, Kamehameha Schools, Agribusiness Development Corporation, and one individual.

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that extending the important agricultural land qualified agricultural cost tax credit will encourage farmers to continue making investments in their lands, thereby increasing agricultural efficiency and contributing to the State's goal of food self-sufficiency.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2705, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2705, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3052 Ways and Means on S.B. No. 2723

The purpose and intent of this measure is to appropriate funds for the GoFarm Hawaii program and to require GoFarm Hawaii to provide the Chairperson of the Board of Agriculture with reports on the program's annual goals, outputs, and outcomes.

Your Committee received written comments in support of this measure from the Department of Agriculture; University of Hawaii; Kohala Center; Kulahaven Farms, LLC; Hoola Farms; Wiko Farms; Oahu Resource Conservation and Development Council; Kuamoo Farm; North Shore Economic Vitality Partnership; Hawaii Ulu Producers Cooperative; Ulupono Initiative; Hawaii Farm Bureau; Kauai County Farm Bureau; Hawaii State Future Farmers of America; Hawaii Farm to School Hui; Hawaii Public Health Institute; Kokua Hawaii Foundation; Kamehameha Schools; Waimanolo Market Co-op; Counter Culture Organic Farm; Bear Claw Farm; and five individuals.

Your Committee finds that GoFarm Hawaii is the only statewide program that offers farmers comprehensive training for farm maintenance, business planning, and the small-scale production of commercial crops.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making a technical nonsubstantive amendment for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2723, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2723, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3053 Ways and Means on S.B. No. 2784

The purpose and intent of this measure is to appropriate moneys to the University of Hawaii College of Tropical Agriculture and Human Resources for research and prevention of the spread of ornamental ginger pathogens.

Your Committee received written comments in support of this measure from the Department of Agriculture, University of Hawaii, East Oahu County Farm Bureau, Hawaii Cattlemen's Council, Hawaii Crop Improvement Association, Hawaii Farm Bureau, Hawaiian Flower Gardens, HCP, KVTHC, Land Use Research Foundation of Hawaii, Maui County Farm Bureau, Ohana Farm Orchards, Ono Pop's Kauai, Pacific Ag Consultants, PonoHolo Ranch, Ulupalakua Ranch, Waihale Products, and numerous individuals.

Your Committee finds that production of ornamental ginger has been affected by the introduction of a new pathogen that causes wilting and stunting of the affected ornamental ginger plants. Your Committee further finds that the moneys appropriated by this measure will help to mitigate the damage caused by the pathogen and halt the spread of the pathogen in the State.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2784, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2784, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3054 Ways and Means on S.B. No. 2809

The purpose and intent of this measure is to authorize the Director of Finance to issue general obligation bonds and appropriate moneys to the Department of Business, Economic Development, and Tourism for certain transit-oriented development projects.

Your Committee received written comments in support of this measure from the Office of Planning, Hawaii Housing Finance and Development Corporation, and Hawaii Interagency Council for Transit-Oriented Development.

Your Committee finds that the Department of Business, Economic Development, and Tourism's Office of Planning requires funds for statewide planning and coordination for certain transit-oriented development projects that are identified in the state strategic plan. Your Committee recognizes that transit-oriented development is essential to the development of projects on state lands that are in close proximity to transit stations.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2809, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2809, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3055 Ways and Means on S.B. No. 2814

The purpose and intent of this measure is to expand the cardiac catheterization program at the Hilo Medical Center in the Hawaii Health Systems Corporation East Hawaii Region.

More specifically, this measure appropriates funds for equipment and construction of a second full-time catheterization laboratory at the Hilo Medical Center.

Your Committee received written comments in support of this measure from the University of Hawaii System; County of Hawaii Office of the Mayor; Hilo Medical Center; Hilo Medical Center Foundation; Hawaii Care Choices; Kau Rural Health Community Association, Inc.; and numerous individuals.

Your Committee finds that this measure will increase the number of life-saving emergency cardiac procedures that can be performed locally in the County of Hawaii, thereby resulting in significant monetary savings to the health care system in the State.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2814, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2814, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3056 Ways and Means on S.B. No. 2844

The purpose and intent of this measure is to make appropriations and approve payments for claims against the State, its officers, and its employees.

Your Committee received written comments in support of this measure from the Department of the Attorney General.

Your Committee received written comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that, based on the testimony submitted by the Department of the Attorney General, this measure addresses twelve claims that total \$1,160,485. Your Committee further finds that the timely passage of this measure will minimize the State's obligation to pay interest on that amount.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2844, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2844, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Inouye, Kahele).

SCRep. 3057 Ways and Means on S.B. No. 2856

The purpose and intent of this measure is to encourage the clean-up of brownfield lands in the State.

Specifically, this measure expands the authorized uses of moneys in the brownfields cleanup revolving loan fund to include cleanup grants and brownfields site assessments.

Your Committee received written comments in support of this measure from the Department of Business, Economic Development, and Tourism; Department of Health; Office of Planning; and two individuals.

Your Committee finds that, according to testimony from the Office of Planning, several potential projects seeking site assessment or cleanup grant funds for the restoration and reuse of underutilized, contaminated properties have been identified. Your Committee further finds that the expansion of loan fund authority proposed by this measure would facilitate the cleanup of these sites and enable their future use for affordable housing, community open space, and park enhancements.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2856, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2856, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3058 Ways and Means on S.B. No. 2861

The purpose and intent of this measure is to make appropriations for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (7) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committee received written comments in support of this measure from the Department of Budget and Finance, University of Hawaii, and University of Hawaii Professional Assembly.

Your Committee finds that negotiations with this bargaining unit are currently in progress. Allowing this measure to advance through the legislative process will provide a vehicle to appropriate necessary funds if an agreement is reached or an arbitration award is issued prior to the end of the 2020 Regular Session.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2861, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2861, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3059 Ways and Means on S.B. No. 2865

The purpose and intent of this measure is to make appropriations for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (14) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committee received written comments in support of this measure from the Department of Budget and Finance and Hawaii Government Employees Association.

Your Committee finds that an arbitration hearing addressing bargaining unit 14 has been completed. Allowing this measure to advance through the legislative process will provide a vehicle to appropriate necessary funds if an arbitration award is issued prior to the end of the 2020 Regular Session.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of consistency and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2865, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2865, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3060 Ways and Means on S.B. No. 2901

The purpose and intent of this measure is to update the purpose of and standards for the State's hearing and vision program for children.

Your Committee received written comments in support of this measure from the Department of Health, Executive Office on Early Learning, State Council on Developmental Disabilities, and one individual.

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that the early identification of hearing and vision impairment and appropriate follow-up services are critical for the development of the language and communication skills that children need. Your Committee recognizes the merits in improving hearing and vision screening for children in the State by establishing consistent protocols for screenings and comprehensive data collecting and reporting.

Your Committee has amended this measure by:

- (1) Correcting the text of section 321-101, Hawaii Revised Statutes, to accurately reflect the printed version of the Hawaii Revised Statutes; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2901, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2901, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3061 Ways and Means on S.B. No. 2925

The purpose and intent of this measure is to authorize and regulate the use of debit cards and online electronic payments to pay for certain airport charges.

No written comments were received on this measure.

Your Committee finds that authorizing the use of debit cards and online electronic payment systems to pay the State for certain airport charges will facilitate payment processes and ensure that payments are made on time.

Your Committee has amended this measure by:

- (1) Clarifying that the authorized uses of and restrictions on credit cards pursuant to section 261-7.6, Hawaii Revised Statutes, also apply to online electronic payment systems and debit cards;
- (2) Clarifying that an airport may require a purchaser to pay processing fees or charges directly to the applicable online electronic payment system or credit or debit card processor;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2925, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2925, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3062 Ways and Means on S.B. No. 2989

The purpose and intent of this measure is to include an elective office candidate's child care costs among the expenses for which the candidate, candidate's treasurer, or candidate committee may use campaign funds.

Your Committee received written comments in support of this measure from Pono Hawaii Initiative, Common Cause Hawaii, Hawaii Children's Action Network Speaks!, and two individuals.

Your Committee finds that authorizing candidates to use campaign funds to pay for the significant costs of child care will help candidates overcome a restrictive financial barrier and encourage more female and low-income candidates to run for elective office.

Your Committee has amended this measure by:

- (1) Clarifying that qualifying child care costs are limited to costs for child care services incurred from January 1 of an election year to the day after the date of the primary or general election in which a candidate appears on the ballot;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2989, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2989, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (Inouye, Kahele).

SCRep. 3063 Ways and Means on S.B. No. 3015

The purpose and intent of this measure is to appropriate funds to the Department of Accounting and General Services for innovative project delivery training, development, and consulting purposes.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services and Department of Transportation.

Your Committee finds that the appropriation provided by this measure will promote procurement efficiency, program success, and government accountability.

Your Committee has amended this measure by:

- (1) Changing the amount appropriated from \$550,000 to an unspecified sum;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making a technical nonsubstantive change for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3015, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3015, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (English, Kahele).

SCRep. 3064 Ways and Means on S.B. No. 3041

The purpose and intent of this measure is to amend Act 151, Session Laws of Hawaii 2019 (Act 151), which required the establishment of a strategic plan for local food production.

More specifically, the measure:

- (1) Extends the deadline for submitting the strategic plan required by Act 151; and
- (2) Extends the lapse date for funds appropriated by the Act.

Your Committee received written comments in support of this measure from the Department of Agriculture, Hawaii Cattlemen's Council, Land Use Research Foundation of Hawaii, and Hawaii Farm Bureau.

Your Committee finds that extending the strategic plan deadline and funding lapse date of Act 151 will allow the Department of Agriculture to engage with public and private stakeholders to ensure the strategic plan best supports the State's goals to increase local food production and self-sufficiency.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3041, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3041, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3065 Ways and Means on S.B. No. 3042

The purpose and intent of this measure is to appropriate funds to mitigate and control the two-lined spittlebug and to fund outreach, education, surveillance, treatment, and pest management protocols.

Your Committee received written comments in support of this measure from Department of Land and Natural Resources; Department of Agriculture; Hawaii County Council; Mayor's Office for the County of Hawaii; Larry Jefts Farm, LLC.; McCandless Ranch; Kohala Coast Resort Association; Maui County Farm Bureau; Land Use Research Foundation of Hawaii; Ponohele Ranch Limited; Circle5ranch; Hawaii Cattlemen's Council; Ulupalakua Ranch; Hawaii Farm Bureau; Kealia Ranch; Ulupono Initiative; Local Food Coalition; Hawaii Forest Industry Association; Americans for Democratic Action; and eight individuals.

Your Committee received written comments on this measure from one individual.

Your Committee finds that invasive species are a threat to the State's natural resources, agriculture, and economy and to the health and lifestyle of residents and visitors.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3042, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3042, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3066 Ways and Means on S.B. No. 3079

The purpose and intent of this measure is to appropriate funds for the public employment cost items of and cost adjustments for employees of the legislative service agencies, the Senate, and the House of Representatives.

Your Committee received written comments in support of this measure from the Office of the Auditor, Office of the Ombudsman, Hawaii State Ethics Commission, and Legislative Reference Bureau.

Your Committee finds that the staff and members of the Legislature and the legislative service agencies are excluded from collective bargaining. Your Committee further finds that allowing this measure to advance through the legislative process will provide a vehicle to appropriate necessary funds for cost items and cost adjustments that the Legislature may determine are warranted.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of consistency and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3079, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3079, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3067 Ways and Means on S.B. No. 3086

The purpose and intent of this measure is to designate an official interscholastic athletic association for each county.

Your Committee received written comments in support of this measure from the Department of Education.

Your Committee finds that interscholastic athletic associations create opportunities for the State's public school students to develop certain skills that promote the achievement of academic and extracurricular success.

Your Committee has amended this measure by:

- (1) Clarifying that each official interscholastic athletic association shall receive an unspecified allocation from the appropriation; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3086, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3086, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (Inouye, Kahele).

SCRep. 3068 Ways and Means on S.B. No. 3100

The purpose and intent of this measure is to codify the State's commitment to conservation, sustainability, and economic development by including in the Hawaii Revised Statutes the seventeen United Nations sustainable development goals and indicators of those goals, along with references to existing state sustainability programs.

Your Committee received written comments in support of this measure from the Department of Human Services, Department of Land and Natural Resources, Office of Planning, Hawaii Climate Change Mitigation and Adaptation Commission, Kamehameha Schools, Healthy Climate Communities, Chamber of Commerce Hawaii, and six individuals.

Your Committee finds that the codification of sustainable development goals and indicators serves to affirm the State's full commitment to its sustainability policies and goals, as well as international sustainable development goals set by the United Nations.

Your Committee has amended this measure by:

- (1) Changing references to the year 2020 with respect to goals involving local food production, genetic diversity of plants and animals, and fishing practices and fishery subsidies, to reflect the updated goal year of 2030, consistent with the intent of Act 151, Session Laws of Hawaii 2019, and the Sustainable Hawaii Initiative;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3100, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3100, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3069 Ways and Means on S.B. No. 3103

The purpose and intent of this measure is to improve the development, planning, and construction of public schools.

Specifically, this measure:

- (1) Establishes the School Facilities Agency to be responsible for public school capital improvement projects;
- (2) Establishes the School Facilities Board to oversee the agency; and
- (3) Transfers to the agency certain Department of Education functions related to construction.

Your Committee received written comments in support of this measure from the Office of the Governor; Hawaii Community Foundation; Chamber of Commerce Hawaii; Aloha United Way; Hawaiian Electric Company, Inc; Hawaii Institute for Public Affairs; Bank of Hawaii; Hui for Excellence in Education Coalition; Pacific Resource Partnership; and American Council of Engineering Companies of Hawaii.

Your Committee received written comments in opposition to this measure from the State Procurement Office, United Public Workers, Minatoishi Architects, Hawaii's Thousand Friends, Hawaii Government Employees Association, and two individuals.

Your Committee received written comments on this measure from the Department of Land and Natural Resources, Department of Education, Department of Budget and Finance, Hawaii State Public Library System, Office of Information Practices, Civil Beat Law Center for the Public Interest, Hawaii State Teachers Association, and Maui Chamber of Commerce.

Your Committee finds that establishing an independent agency responsible for the development, planning, and construction of public school capital improvement projects will help to improve the efficiency of school construction while more directly addressing the educational needs of students.

Your Committee has amended this measure by:

- (1) Moving the requirement for certain members of the School Facilities Board to file confidential financial disclosures from the new part in chapter 302A, Hawaii Revised Statutes, to the financial disclosures statute, section 84-17, Hawaii Revised Statutes;
- (2) Clarifying that the school facilities special fund may accept the grants and donations transferred to it by the School Facilities Agency;
- (3) Clarifying that any person who submits a bid on a School Facilities Agency project shall not be appointed as a member of the School Facilities Board within one year of that bid;
- (4) Deleting the exemption to the repealed Public Employees Health Fund;
- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (6) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3103, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3103, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Harimoto, Taniguchi). Noes, none. Excused, 2 (Inouye, Kahele).

SCRep. 3070 Ways and Means on S.B. No. 3164

The purpose and intent of this measure is to establish a State Commission on Surfing to promote the sport of surfing and educate people locally, nationally, and internationally about the sport's unique connection to Hawaii.

Your Committee received written comments in support of this measure from the Hawaii Tourism Authority, Bishop Museum, and Hawaii Lodging and Tourism Association.

Your Committee received written comments on this measure from the Department of Land and Natural Resources and Department of Business, Economic Development, and Tourism.

Your Committee finds that the 2020 Summer Olympics in Tokyo, Japan, will be the first Olympic Games to include a surfing competition, and establishment of a State Commission on Surfing will position the State to capitalize on an anticipated increase in national and international attention to the sport. Your Committee further finds that a State Commission on Surfing will expand recognition of Hawaii's role in the invention, development, and history of surfing, thereby increasing both interest in the sport and tourism to the State.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3164, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3164, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Kahele, Shimabukuro).

SCRep. 3071 (Joint) Commerce, Consumer Protection, and Health and Judiciary on S.B. No. 2128

The purpose and intent of this measure is to:

- (1) Require the builders of new dwellings to provide buyers with information on the benefits and costs associated with installing and maintaining a residential fire sprinkler system; and
- (2) Require the Department of Commerce and Consumer Affairs Professional and Vocational Licensing Division to develop a standard form for this purpose.

Your Committees received testimony in support of this measure from the Department of Labor and Industrial Relations, National Ready Mixed Concrete Association, and one individual. Your Committees received testimony in opposition to this measure from the Department of Commerce and Consumer Affairs.

Your Committees find that eight out of ten deaths occur in a residential home regardless if smoke detectors were installed, and studies have shown that installed fire sprinklers reduce deaths by upwards of ninety percent. While it is no secret that automatic fire sprinklers save lives and reduce property damage, there exists a lack of awareness of the real threat of fire to our residences. Newer

properties are especially vulnerable given their use of combustible engineered lumber and the plastic composition of modern furnishings. This measure will help better inform homebuyers about their options to protect their homes and families from the threat of fire.

Your Committees have further heard the concerns raised by the Department of Commerce and Consumer Affairs that the Professional and Vocational Licensing Division is not the proper agency to develop a standard form to be used in accordance with this measure. Accordingly, amendments to this measure are necessary to address this concern.

Your Committees have amended this measure by:

- (1) Requiring the State Fire Council to prepare a form wherein the buyer shall acknowledge receipt of the written materials from the builder, which shall be filed with the Executive Director of the Office of Consumer Protection;
- (2) Requiring the State Fire Council, with assistance from the Executive Director of the Office of Consumer Protection, to research and develop a standard form or forms, similar to those used in other jurisdictions, to be used to confirm the buyer's receipt of the written materials required by this measure;
- (3) Authorizing the State Fire Council to amend the form or forms from time to time;
- (4) Inserting an effective date of January 2, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2128, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2128, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Thielen).

Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 3072 Ways and Means on S.B. No. 1174

The purpose and intent of this measure is to authorize the Hawaii Criminal Justice Data Center to assess reasonable and necessary fees for most services provided by the center.

Your Committee received written comments in support of this measure from the Department of the Attorney General.

Your Committee finds that this measure will give the Hawaii Criminal Justice Data Center the flexibility to adjust the fees charged for its services in response to demand, type of service provided, and the costs of providing those services.

Your Committee has amended this measure by:

- (1) Inserting language to clarify that the Hawaii Criminal Justice Data Center shall collect the fees assessed; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1174, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1174, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3073 (Majority) Ways and Means on S.B. No. 2006

The purpose and intent of this measure is to establish that special elections for federal office and vacant county council seats shall be conducted by ranked choice voting.

Your Committee received written comments in support of this measure from Common Cause Hawaii and four individuals.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee received written comments on this measure from the League of Women Voters.

Your Committee finds that numerous candidates often run in special elections for federal or county council offices, which often results in the election of a candidate by a mere plurality of votes. Your Committee recognizes that conducting these elections by ranked choice voting would result in the election of candidates who receive a clear majority of votes, thus eliminating the need for costly and inefficient runoff elections.

Your Committee has amended this measure by:

- (1) Removing new statutory provisions relating to election proclamations from section 1 of the measure and inserting substantially similar proclamation requirements into section 11-91, Hawaii Revised Statutes, instead;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2006, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2006, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, 1 (Fevella). Excused, 2 (Inouye, Kahele).

SCRep. 3074 Ways and Means on S.B. No. 2056

The purpose and intent of this measure is to help degree-seeking individuals in the State to make better-informed decisions regarding post-secondary education and career choices.

More specifically, this measure:

- (1) Requires the University of Hawaii, in collaboration with numerous other entities, including the Department of Education and the Department of Business, Economic Development, and Tourism, to further develop interactive web tools to provide access to job data and earnings calculators, thereby enabling degree-seeking individuals to make better-informed, data-based decisions;
- (2) Requires the University of Hawaii to submit an annual report to the Legislature regarding its progress; and
- (3) Appropriates funds to the University of Hawaii to develop these interactive web tools.

Your Committee received written comments in support of this measure from the Department of Business, Economic Development, and Tourism.

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that this measure supports sound and informed exploration of academic degree and career workforce pathways by degree-seeking individuals in the State. Your Committee further finds that facilitating academic and career choices that satisfy an individual's personal and professional goals benefits the State's overall economic well-being.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2056, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2056, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3075 Ways and Means on S.B. No. 2061

The purpose and intent of this measure is to promote outdoor education and recreation programs for children in the State.

Specifically, this measure establishes the:

- (1) No Child Left Inside Grant Program within the Department of Land and Natural Resources; and
- (2) No Child Left Inside Grant Program Special Fund.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and one individual.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that outdoor education and recreation programs enhance the physical and academic well-being of children. Your Committee further finds that, through the awarding of available grant moneys, the No Child Left Inside Grant Program will offer support to various entities that provide outdoor education and recreation opportunities to children in the State.

Your Committee has amended this measure by:

- (1) Clarifying that moneys from the No Child Left Inside Grant Program Special Fund shall also be used for the purposes of awarding contracts;
- (2) Adding an unspecified appropriation of general revenue funds for deposit into the No Child Left Inside Grant Program Special Fund;
- (3) Adding an unspecified appropriation from the No Child Left Inside Grant Program Special Fund to the Department of Land and Natural Resources to administer and award grants and contracts pursuant to the No Child Left Inside Grant Program;
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2061, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2061, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3076 Ways and Means on S.B. No. 2080

The purpose and intent of this measure is to establish and fund the emergency evacuation chair pilot project to provide emergency evacuation chairs for multi-story state buildings.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services and Office of the Auditor.

Your Committee received written comments on this measure from the Disability and Communication Access Board.

Your Committee finds that the installation of emergency evacuation chairs in multi-story state buildings will help ensure the safety of state employees and members of the public with disabilities who conduct business in state buildings.

Your Committee has amended this measure by:

- (1) Clarifying that contracts for the installation and maintenance of emergency evacuation chairs in state buildings are subject to the Hawaii Public Procurement Code, Chapter 103D, Hawaii Revised Statutes;
- (2) Correcting a typographical error in the name of the Disability and Communication Access Board;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2080, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2080, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Shimabukuro).

SCRep. 3077 Ways and Means on S.B. No. 2098

The purpose and intent of this measure is to appropriate funds to the Department of Business, Economic Development, and Tourism to provide education and support to local businesses regarding compliance with the United States Food and Drug Administration's industry guidance on colored sea salt.

Your Committee received written comments in support of this measure from the Department of Business, Economic Development, and Tourism; Chamber of Commerce Hawaii; and Hawaii Food Industry Association.

Your Committee notes that this measure requires, before any funds from the appropriation may be released, that private businesses collectively contribute fifty percent of the cost to conduct and submit to the federal Food and Drug Administration any research, studies, or analysis required to obtain approval by the federal Food and Drug Administration of any color additives used in Hawaii sea salt.

Your Committee finds that this measure provides necessary support to ensure the continued viability of the State's sea salt manufacturing industry.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2098, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2098, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3078 Ways and Means on S.B. No. 2206

The purpose and intent of this measure is to authorize the issuance of \$200,000,000 in general obligation bonds, the bond revenues of which are to be deposited into the rental housing revolving fund and appropriated to finance capital improvement projects that align with the purposes of the rental housing revolving fund.

Your Committee received written comments in support of this measure from the Governor's Coordinator on Homelessness, Hawaii Housing Finance and Development Corporation, Catholic Charities Hawaii, Partners in Care, IMUA Alliance, Faith Action for Community Equity, Democratic Party of Hawaii, and five individuals.

Your Committee finds that this measure provides steady, predictable, and long-term financing for the development of affordable rental housing in the State. Your Committee also notes that this measure aligns with the State's goal of developing at least 22,500 affordable rental housing units in the State by 2026, established in Act 127, Session Laws of Hawaii 2016.

Your Committee has amended this measure by:

- (1) Changing the appropriations to unspecified amounts;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2206, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2206, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3079 Ways and Means on S.B. No. 2224

The purpose and intent of this measure is to appropriate funds for improvements to the Maui Memorial Medical Center.

Your Committee received written comments in support of this measure from the Maui County Council and Maui Health System.

Your Committee finds that Maui Memorial Medical Center needs structural improvements, including the addition of an on-site parking facility.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2224, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2224, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 7. Noes, none. Excused, 6 (English, Harimoto, Inouye, Kahele, Kidani, Shimabukuro).

SCRep. 3080 Ways and Means on S.B. No. 2259

The purpose and intent of this measure is to help provide students with skills and credentials to obtain employment.

Specifically, this measure:

- (1) Establishes a workforce readiness program within the Department of Education's Adult Community School program to provide opportunities for students to earn diplomas and various certificates that pertain to employment;
- (2) Authorizes the Department of Education to coordinate with certain other departments and to contract with employers for the program; and
- (3) Appropriates funds for the program.

Your Committee received written comments in support of this measure from the Department of Education, Department of Labor and Industrial Relations, Hawaii Pacific Health, Hawaii Food Industry Association, Adult Community Education Advisory Council, McKinley Community School for Adults, Waipahu Community School for Adults, and eight individuals.

Your Committee received written comments on this measure from the Executive Office on Early Learning.

Your Committee finds that work readiness programs help to develop a stronger workforce by, among other things, providing valuable training to students who have not succeeded in a traditional school setting but nevertheless demonstrate the ability to become successful and contributing members of the workforce.

Your Committee has amended this measure by:

- (1) Amending references to the Community School for Adults program to be consistent with the program name used by the Department of Education;
- (2) Changing the amount appropriated to an unspecified amount;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2259, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2259, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Inouye, Kahele, Shimabukuro).

SCRep. 3081 Ways and Means on S.B. No. 2279

The purpose and intent of this measure is to extend certain deadlines relating to two affordable rental housing projects in the County of Maui.

Specifically, this measure amends:

- (1) Act 150, Session Laws of Hawaii 2018, as amended by Act 98, Session Laws of Hawaii 2019, to extend to an unspecified date the deadline by which the Hawaii Housing Finance and Development Corporation must exercise its power of eminent domain to acquire the Front Street Apartments affordable housing project, unless certain conditions are met; and
- (2) Act 98, Session Laws of Hawaii 2019, to extend to June 30, 2020, the deadline by which the Lealii affordable housing project must obtain necessary land use entitlements to ensure the availability of appropriated rental housing revolving fund moneys.

Your Committee received written comments in support of this measure from the Hawaii Housing Finance and Development Corporation, County of Maui, Front Street Apartments Tenants Group, Maui Chamber of Commerce, and two individuals.

Your Committee finds that this measure is a cost-effective way to encourage and maintain economic integration in the State. Your Committee also finds that this measure aligns with the State's goal of increasing the quantity of affordable rental housing in the State, as established in Act 127, Session Laws of Hawaii 2016.

Your Committee has amended this measure by:

- (1) Changing the appropriation amount in Act 98, Session Laws of Hawaii 2019, to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making a technical nonsubstantive amendment for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2279, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2279, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3082 Ways and Means on S.B. No. 2303

The purpose and intent of this measure is to appropriate funds and to direct the Department of Land and Natural Resources Engineering Division Dam Safety Program to develop and implement an emergency intervention plan for the Wahiawa dam and reservoir.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Hawaii Emergency Management Agency, and Department of Emergency Management of the City and County of Honolulu.

Your Committee finds that developing an emergency intervention plan for the Wahiawa dam and reservoir would assist dam owners, operators, and relevant state and City and County of Honolulu agencies to identify triggers, unsafe conditions, and response actions necessary to minimize risks to downstream communities during a potential emergency event.

Your Committee has amended this measure by:

- (1) Clarifying that the Department of Land and Natural Resources should "develop" but not "implement" the emergency intervention plan;
- (2) Clarifying that the role of the planner V is to aid in the development of the Wahiawa dam and reservoir emergency intervention plan and to assist in carrying out dam inspection, repair, and maintenance oversight;
- (3) Providing that moneys appropriated for safety emergency intervention equipment may include certain equipment;
- (4) Requiring and appropriating funds for the Department of Land and Natural Resources to study the feasibility of acquiring the Wahiawa dam and reservoir and to submit a report of its findings to the Legislature; and
- (5) Making a technical nonsubstantive amendment for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2303, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2303, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3083 Ways and Means on S.B. No. 2308

The purpose and intent of this measure is to improve the State's response to cases of commercial sexual exploitation of children and the provision of services to victims and their families.

More specifically, the measure:

- (1) Establishes within the Department of Human Services a sexually exploited children statewide coordinator and program and a commercial sexual exploitation of children steering committee;
- (2) Requires:
 - (A) The commercial sexual exploitation of children steering committee to provide a preliminary report and a final report; and
 - (B) The sexually exploited children program to provide annual reports, to the Legislature;

- (3) Establishes within each county a commercial sexual exploitation of children multidisciplinary team to facilitate the sharing of information and to immediately respond to cases of child sex trafficking; and
- (4) Appropriates funds to the Department of Human Services for four full-time equivalent positions for the statewide coordinator and program support.

Your Committee received written comments in support of this measure from the Department of Education, Judiciary, Department of Health, Department of Human Services, Hawaii State Commission on the Status of Women, Department of the Attorney General, Honolulu Police Department, Hawaii Psychological Association, IMUA Alliance, American Association of University Women of Hawaii, and four individuals.

Your Committee finds that the existing Commercial Sexual Exploitation of Children (CSEC) Steering Committee, which comprises members of state, county, and federal agencies, has been working to oversee a coordinated system response to child sex trafficking. Your Committee further finds that the formalized crisis response structure and centralized data collection process established by this measure will augment and expedite current efforts to combat the commercial sexual exploitation of children.

Your Committee has amended this measure by:

- (1) Specifying that, upon appointment, the statewide coordinator shall also serve as a member of the Hawaii Interagency State Youth Network of Care (HI-SYNC);
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2308, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2308, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3084 Ways and Means on S.B. No. 2325

The purpose and intent of this measure is to establish that school bus contracts entered into after a certain date require that the contractor's vehicles be propelled by electric power or a non-fossil fuel and equipped with seat belt assemblies at each designated seating position.

Your Committee received written comments in support of this measure from the Hawaii State Energy Office and Hawaiian Electric Company.

Your Committee finds that transitioning the school buses used by the Department of Education to a fossil-fuel-free fleet will help to decrease the State's overall reliance on fossil fuels and achieve the State's sustainability goals.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2325, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2325, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9; Ayes with Reservations (Fevella). Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3085 Ways and Means on S.B. No. 2340

The purpose and intent of this measure is to establish an outreach program within the Department of Health to inform certain physicians and non-physician practitioners that comprehensive care planning services for individuals with Alzheimer's disease and related dementias is a covered benefit under the Medicare program.

Your Committee received written comments in support of this measure from the Aloha Chapter of the Alzheimer's Association, Manoa Cottage, and three individuals.

Your Committee received written comments on this measure from the Department of Health and the Executive Office on Aging.

Your Committee finds that this measure will increase utilization of the comprehensive care planning services covered under Medicare for persons diagnosed with Alzheimer's disease and other dementias by informing certain physicians and non-physician practitioners about this federal benefit. This increase in utilization will reduce the number of hospitalizations, emergency room visits, and medication crises for persons receiving dementia-specific comprehensive care planning, thereby financially benefitting the State.

Your Committee has amended this measure by making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2340, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2340, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (English, Harimoto, Inouye, Kahele, Kidani, Shimabukuro).

SCRep. 3086 Ways and Means on S.B. No. 2345

The purpose and intent of this measure is to require the Department of Human Services, in cooperation with the Department of Public Safety and other stakeholders, to establish a pilot visitation and family resource center at Waiawa correctional facility.

Your Committee received written comments in support of this measure from the Department of Human Services, Office of Youth Services, Department of Public Safety, Blueprint for Change, Hawaii Youth Services Network, Community Alliance on Prisons, Hawaii Justice Coalition, Common Cause Hawaii, Hawaii Friends of Restorative Justice, American Civil Liberties Union of Hawaii, Adult Friends for Youth, Hawaii Children's Action Network Speaks!, and seven individuals.

The Office of Hawaiian Affairs submitted written comments on this measure.

Your Committee finds that the establishment of a pilot visitation and family resource center at Waiawa correctional facility will help to promote the well-being of children and families affected by parental incarceration.

Your Committee has amended this measure by:

- (1) Changing each of the appropriation amounts from \$150,000 to unspecified amounts;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2345, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2345, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Inouye, Kahele).

SCRep. 3087 Ways and Means on S.B. No. 2350

The purpose and intent of this measure is to establish a task force within the Behavioral Health Services Administration of the Department of Health to review best care practices for individuals with fetal alcohol spectrum disorders.

Your Committee received written comments in support of this measure from the State Council on Developmental Disabilities, Hawaii Disability Rights Center, Hawaii Substance Abuse Coalition, Hawaii Psychological Association, Hawaii Fetal Alcohol Spectrum Disorders Action Group, and five individuals.

Your Committee received written comments on this measure from the Department of Health, Department of Human Services, and Hawaii State Ethics Commission.

Your Committee finds that this measure will bring together various stakeholders in the community to identify therapies and home- and community-based care strategies and solutions to support and benefit persons having fetal alcohol spectrum disorders.

Your Committee has amended this measure by:

- (1) Authorizing the task force members to elect a chair from their membership;
- (2) Clarifying that the chair of the task force shall invite any designated representative from the private sector to participate in the task force;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2350, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2350, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, 6 (English, Harimoto, Inouye, Kahele, Kidani, Shimabukuro).

SCRep. 3088 Judiciary on S.B. No. 1056

The purpose and intent of this measure is to require lobbyists and certain other persons to file two additional expenditure statements with the State Ethics Commission on the second Friday in August and the first Monday in November of each general election year.

Your Committee received testimony in support of this measure from the Hawai'i State Ethics Commission.

Your Committee finds that, pursuant to section 11-334, Hawaii Revised Statutes, candidates and the treasurer of candidate committees are required to file preliminary, final, and supplemental reports with the Campaign Spending Commission throughout each general election year. This measure requires lobbyists and certain individuals to file with the State Ethics Commission expenditure reports similarly to the filing frequency required of candidates and the treasurer of candidate committees.

Your Committee has amended this measure by:

- (1) Clarifying that in a general election year, in addition to the normally required reports, two new reports are due on the second Friday in August and the first Monday in November in each general election year; and

- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1056, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1056, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3089 (Majority) Judiciary on S.B. No. 2241

The purpose and intent of this measure is to require that that a class 10 license only be granted for an outdoor premise if liquor will only be sold and consumed within a beer garden.

Your Committee received testimony in support of this measure from the Chinatown Gateway Plaza Tenant Association and one individual. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Liquor Commission of the City and County of Honolulu, and one individual.

Prior to decision-making on this measure, your Committee made available for public review a proposed S.D. 1 of this measure.

The proposed S.D. 1:

- (1) Requires that a class 10 special license be issued for the sale and consumption of liquor in an outdoor premise under certain restrictions, including providing at least one officer from the liquor commission who has investigative capabilities to be present at each point of sale within the area for which the permit was granted and, if the event takes place on the premises of a temporary public street closure in any county having a population in excess of 500,000, a special license be granted only for the temporary extension of an existing valid license; and
- (2) Specifies that class 17 liquor licenses apply only to permanent establishments.

Your Committee received testimony in support of the Proposed S.D. 1 from the Chinatown Gateway Plaza Tenant Association and one individual. Your Committee received testimony in opposition to the Proposed S.D. 1 from the Liquor Commission of the City and County of Honolulu; Dozer Parties, LLC; Ray Jr. LLC; Events International; Aloha Group International; AT Marketing; Bamp Project; The Republik; Rice Fest; JFK ONO Grindz; JCI Honolulu; and sixty individuals.

Your Committee has amended this measure by adopting the Proposed S.D. 1 and further amending it by:

- (1) Inserting language to require the Liquor Commission to review the history of complaints against any applicant at the time of application for a new license or renewal of an existing license;
- (2) Deleting provisions relating to class 10 special license restrictions for outdoor events and limiting class 17 liquor licenses to permanent establishments;
- (3) Inserting an effective date of June 18, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2241, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2241, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 2. Noes, 1 (Fevella). Excused, 2 (Gabbard, Kim).

SCRep. 3090 Judiciary on S.B. No. 2513

The purpose and intent of this measure is to include intentionally, knowingly, or recklessly using a castration band to neuter a dog, cat, or other domesticated pet under the offense of cruelty to animals in the second degree.

Your Committee received testimony in support of this measure from Animal Rights Hawaii, Pacific Pet Alliance, Aloha Animal Advocates, Pono Advocacy, Poi Dogs and Popoki, and two individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that castration bands are often used to castrate farm animals; however, use of castration bands by untrained pet owners can result in physical pain and suffering, and injury in some instances, to the pet animal. Your Committee further finds that a variety of service providers provide free or low-cost spay and neuter services for pet dogs and cats; therefore, there is no legitimate reason for pet owners to use castration bands on their pets.

Your Committee has amended this measure by:

- (1) Replacing the term “domesticated pet” with the term “pet animal”, and excluding caged birds;
- (2) Clarifying the definition of the term “castration band”;
- (3) Allowing the use of castration bands if the use is part of accepted veterinary practices, certain scientific research, or licensed pest control operations; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2513, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2513, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kim).

SCRep. 3091 Judiciary on S.B. No. 2939

The purpose and intent of this measure is to impose extended terms of imprisonment for a person who commits a crime on agricultural land if the person knew or reasonably should have known that the crime was committed on agricultural land.

Your Committee received testimony in support of this measure from the Agribusiness Development Corporation, Hawai'i Farm Bureau, and six individuals. Your Committee received comments on this measure from the Office of the Public Defender.

Your Committee finds that agricultural crime is a persistent problem in the State despite efforts to install cameras, form community watch groups, and patrol farms. Agricultural theft, vandalism, trespassing, and recently murder have occurred on state agricultural lands. This measure imposes extended terms of imprisonment for certain crimes committed on state agricultural lands to protect the agricultural industry, agricultural lands, the public at-large, and act as a deterrent to potential offenders.

Your Committee has amended this measure by:

- (1) Applying the mandatory extension of terms of imprisonment only to certain offenses against property rights committed on agricultural lands;
- (2) Inserting a defective date of June 18, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2939, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2939, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 3092 Judiciary on S.B. No. 2794

The purpose and intent of this measure is to address various inconsistencies to clarify and improve the administration of elections by mail.

Your Committee received testimony in support of this measure from Common Cause Hawaii. Your Committee received comments on this measure from the Office of Elections.

Your Committee finds that Act 136, Session Laws of Hawaii 2019, converts Hawaii elections to a statewide vote-by-mail system beginning with the 2020 election year. Ballots will be mailed and received by all registered voters eighteen days before the election day, the voter will then mark the ballot, put it first into a secrecy envelope, and then place the secrecy envelope and its contents in a separate prepaid mailing envelope, sign an affidavit on the exterior of the mailing envelope, and return the package via mail. Ballots must be received by 7:00 p.m. on Election Day. Once returned by the voter, voting officials will scan the unopened exterior returned ballot to verify signatures and then open the envelope. The enclosed ballots are tabulated by computer, but a verifiable paper trail is maintained for all ballots. Replacement ballots for lost or damaged ballots are available from the county clerks, who cancel the original ballot before issuing a replacement.

Your Committee further finds that Act 136 establishes a limited number of voter service centers that will remain open from the tenth business day preceding an election through the day of the election to receive personal delivery of mail-in ballots, offer same day registration and voting, and provide other election services. This measure addresses various inconsistencies to ensure elections by mail may be properly administered this 2020 election year.

Your Committee has amended this measure by:

- (1) Inserting language similar to the contents of S.B. No. 2048, S.D. 1, Regular Session of 2020, to extend the voter registration deadline from thirty to ten days prior to each election;
- (2) Replacing the term "closing hour" with "closing time" throughout, where appropriate;
- (3) Inserting language to require that on election day the clerk of any county with a population less than 500,000 shall operate one additional voter service center on each island and the clerk of any county with a population of 500,000 or more shall operate three additional voter service centers, one of which shall be on the Windward side;
- (4) Providing that the additional places of deposit that may be established by the clerks with varying or shorter days or hours of operations shall be open until 7:00 p.m. on election day; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2794, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2794, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3093 Ways and Means on S.B. No. 2094

The purpose and intent of this measure is to amend the important agricultural land qualified agricultural cost tax credit established under section 235-110.93, Hawaii Revised Statutes.

More specifically, this measure:

- (1) Repeals the cap amounts of the tax credit; and
- (2) Extends by nine years the time period that the Department of Agriculture may certify qualified agricultural costs for purposes of claiming the credit.

Your Committee received testimony in support of this measure from the Department of Planning and Permitting of the City and County of Honolulu, Hawaii Crop Improvement Association, Hawaii Farm Bureau, Kamehameha Schools, Land Use Research Foundation of Hawaii, and Ulupono Initiative.

Your Committee received comments on this measure from the Department of Agriculture, Department of Taxation, and Tax Foundation of Hawaii.

Your Committee finds that the important agricultural land qualified agricultural cost tax credit was enacted in 2008 to foster the long-term viability of agriculture production on important agricultural lands in the State. However, since 2008, very few agricultural entities have been able to utilize the tax credit due to the enormous costs associated with agricultural operations and the planning, construction, repair, and maintenance of agricultural infrastructure.

Your Committee believes it is in the State's interest to continue assisting agricultural businesses to establish and sustain viable agricultural operations on important agricultural lands by providing incentives, such as income tax credits, to promote, among other things, the development of agricultural infrastructure projects.

Your Committee has amended this measure by:

- (1) Reinstating the cap amounts of the tax credit as unspecified amounts;
- (2) Changing to unspecified amounts the percentage of qualified agricultural costs that may be claimed as a credit; and
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2094, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2094, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kaele, Taniguchi).

SCRep. 3094 Ways and Means on S.B. No. 2545

The purpose and intent of this measure is to amend the tax credit for research activities established under section 235-110.91, Hawaii Revised Statutes.

More specifically, this measure increases the aggregate cap amount of the tax credit from \$5,000,000 to \$25,000,000.

Your Committee received testimony in support of this measure from Makai Ocean Engineering, Inc.; Oceanit; Sustainable Bioresources, LLC; and one individual.

Your Committee received comments on this measure from the Department of Taxation, Hawaii Technology Development Corporation, and Tax Foundation of Hawaii.

Your Committee finds that the tax credit for research activities encourages job growth in research and development. Your Committee also finds that the tax credit fosters diversification of the State's economy by creating and maintaining science, technology, engineering, and mathematics jobs in the State.

Your Committee has amended this measure by:

- (1) Changing the aggregate cap amount of the tax credit for research activities to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2545, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2545, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kaele, Taniguchi).

SCRep. 3095 Ways and Means on S.B. No. 2697

The purpose and intent of this measure is to disallow dividends paid deductions for real estate investment trusts for a three-year period, applicable to taxable years beginning after December 31, 2020.

Your Committee received testimony in support of this measure from Aloha Immigration, Church of the Crossroads, Faith Action for Community Equity, Fergus and Company, Hawaii Appleseed Center for Law and Economic Justice, Hawaii State Teachers Association, Housing Now Coalition, Sierra Club of Hawaii, Stand Up Maui, and twenty-one individuals.

Your Committee received testimony in opposition to this measure from Ala Moana Center and Brookfield Properties; Alexander and Baldwin; The Chamber of Commerce Hawaii; Douglas Emmett, Inc.; Extra Space Storage Inc.; Hawaii Association of REALTORS; Hawaii Construction Alliance; Hawaii Operating Engineers Industry Stabilization Fund; Host Hotels and Resorts, Inc.; Land Use Research Foundation of Hawaii; Maui Chamber of Commerce; NAIOP Hawaii; Nareit Hawaii; OPTrust; Pacific Resource Partnership; Park Hotels and Resorts Inc.; Public Storage; The RMR Group LLC; Simon Property Group; Taubman Centers; and two individuals.

Your Committee received comments on this measure from the Department of Taxation and the Tax Foundation of Hawaii.

Your Committee finds that real estate investment trusts were established by the federal government to give investors, especially small investors, access to income-producing real estate. The federal real estate investment trust provisions allow a dividends paid deduction to the real estate investment trust, thereby allowing the real estate investment trust itself to not pay tax on income distributed to its shareholders, who would then pay tax on that income. Existing state law conforms to these provisions, but creates an anomaly because a real estate investment trust that does business in Hawaii, but pays dividends to shareholders outside the State, results in no Hawaii income tax collected either from the real estate investment trust or from its shareholders. This is due to the fact that shareholders pay any tax on dividends to the state in which they reside, not where the income was generated.

Your Committee also finds that real estate investment trusts in Hawaii own real estate assets that generate an annual income of \$1,300,000,000, which, if taxed at the current corporate rate assessed to all other corporations, would generate Hawaii tax revenues of between \$57,000,000 to \$83,000,000 per year. However, under current law, many real estate investment trusts and their shareholders pay a mere fraction of the Hawaii state income tax compared to what other corporations pay.

Your Committee therefore finds that it would be more equitable to decouple from the federal system in this regard so that corporations and other business entities doing business in Hawaii pay a fair tax burden, commensurate with the substantial privileges and resources in Hawaii that were used to generate their profits. Real estate investment trusts would continue to receive their generous federal tax exemptions and benefit from Hawaii's low property tax rates.

Your Committee also recognizes that Hawaii is experiencing a severe affordable housing crisis with a lack of affordable rental and for sale units. It is therefore in the State's interest to promote the development of affordable housing.

Your Committee has amended this measure by:

- (1) Allowing the dividends paid deduction for real estate investment trusts that provide affordable housing in the State;
- (2) Making a correction to accurately reflect the underlying text of section 235-2.3(b), Hawaii Revised Statutes;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2697, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2697, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the President on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Shimabukuro, Taniguchi).

SCRep. 3096 Ways and Means on S.B. No. 2112

The purpose and intent of this measure is to reduce the tax burden imposed on certain kinds of nonprofit organizations.

Specifically, the measure exempts from the State's general excise tax the fundraising income of certain kinds of nonprofit organizations, except with respect to unrelated business taxable income.

Your Committee received testimony in support of this measure from the University of Hawaii Foundation; Hawaii Youth Services Network; Kau Rural Health Community Association, Inc.; Hawaii Substance Abuse Coalition; New Horizons Counseling; After-School All-Stars Hawaii; Kauai United Way; Ballet Hawaii; Hawaii Care Choices; Catholic Charities Hawaii; Coalition for a Drug-Free Hawaii; Aloha House; Malama Family Recovery Center; Maui Youth and Family Services; American Cancer Society, Hawaii Pacific; HUGS; Big Brothers Big Sisters Hawaii; Hawaii Children's Cancer Foundation; National Tropical Botanical Garden; Native Stories; Read To Me International; Waioli Corporation; Aloha Diaper Bank; Hawaii Community Foundation; Hawaii Alliance of Nonprofit Organizations; Beta Beta Gamma Foundation; Diamond Head Theatre; Friends of the Library of Hawaii; Hawaii Foodbank; YMCA of Honolulu; Junior Achievement of Hawaii; Association for Fundraising Professionals, Aloha Chapter; Parents and Children Together; Hawaii Island HIV/AIDS Foundation; HOPE Services Hawaii, Inc.; Boy Scouts Of America, Aloha Council; Hawaiian Humane Society; Harris United Methodist Church; Maui Non Profit Directors Association; Hawaii Children's Theatre; Kona Dance and Performing Arts; Habitat for Humanity, Hawaii Island; Lanakila Pacific; Hawaiian Islands Land Trust; Hoola Na Pua; West Hawaii Parks and Athletic Corporation; Hawaii Diaper Bank; and numerous individuals.

Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee recognizes that certain nonprofit organizations are exempt from federal and state income taxes because of the goods and services they provide to the community. Your Committee notes, however, that the State imposes the general excise tax on those nonprofit organizations' fundraising income, even when funds are raised to advance the organizations' income tax-exempt purposes. Your Committee finds that exempting these organizations' fundraising income from the state general excise tax is appropriate to allow the organizations to obtain the support they need, so long as the exemption does not apply to unrelated business taxable income.

Your Committee has amended this measure by:

- (1) Clarifying that the measure applies to gross receipts received after December 31, 2020;

- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2112, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2112, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the President on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Shimabukuro, Taniguchi).

SCRep. 3097 Ways and Means on S.B. No. 75

The purpose and intent of this measure is to make an emergency appropriation to the Department of Health to implement coronavirus 2019, or COVID-19, response measures in the State.

More specifically, this measure makes an emergency appropriation of \$6,000,000, to be allocated as follows:

- (1) \$800,000 for contracted services to provide multi-media public education and awareness campaigns;
- (2) \$200,000 for quarantine and self-monitoring;
- (3) \$1,300,000 for laboratory testing, equipment, and supplies, including four additional full-time equivalent (4.0 FTE) department of health staff positions;
- (4) \$2,500,000 for disease outbreak surveillance and response, including various supplies, equipment, and activities;
- (5) An unspecified sum for other personnel expenses related to COVID-19 response, including overtime, travel, and supplies;
- (6) \$200,000 for command supplies and equipment, including the deployment of hand sanitizer stations at critical state facilities and other public areas;
- (7) \$200,000 for the Kauai district health office for county of Kauai-specific response;
- (8) \$500,000 allocated to the Hawaii district health office for county of Hawaii-specific response; and
- (9) \$300,000 allocated to the Maui district health office for County of Maui-specific response.

Your Committee received written comments in support of this measure from the Office of the Governor, Department of Health, Department of Defense, Department of Transportation, and Department of Education.

Your Committee finds that due to the fast-moving and unpredictable spread of COVID-19, as well as general and increasing public concern regarding preparedness, it is timely and necessary to appropriate funds to support various activities of the Department of Health, Department of Transportation, and Department of Defense to detect, contain, mitigate, and respond to COVID-19.

Your Committee also finds that while initial response measures centered on containment, the progression of COVID-19, including the first diagnosed case in the United States that appears to have been contracted via community transmission, not through travel to an exposure area or through contact with an infected person, requires that response measures must now focus on mitigation efforts, including supplies, equipment, personnel, contracted services, and other expenditures necessary for mitigation.

Your Committee notes that the Department of Health, as part of its mitigation efforts, is expected to collaborate with Department of Education to establish, and if necessary, implement a COVID-19 response plan should school closures become necessary. At minimum, this COVID-19 response plan should include strategies to ensure that adequate and accessible distance learning opportunities that meet State curriculum requirements are available to all Department of Education students in the State; and response measures for purposes of normalizing school operations once reopening of schools is authorized.

Your Committee further notes that the Department of Defense, as part of its mitigation efforts, is expected to develop and implement a rural community plan to ensure that adequate emergency supplies are available for COVID-19 response within appropriate ready-access areas of rural communities in the State.

Your Committee has amended this measure by:

- (1) Inserting language to section 1 of the measure specifying that coronavirus disease 2019 may adversely impact the State's economy;
- (2) Increasing the total emergency appropriation amount for COVID-19 response to \$10,568,750;
- (3) Amending the funds appropriated to the Department of Health to \$6,600,000, to be allocated as follows:
 - (A) \$800,000 for contracted services to provide multi-media public education and awareness campaigns;
 - (B) \$200,000 for quarantine and self-monitoring;
 - (C) \$1,300,000 for laboratory testing, equipment, supplies and the hiring of contract personnel;
 - (D) \$2,500,000 for disease outbreak surveillance and response, including various supplies, equipment, and activities;
 - (E) An unspecified sum for other personnel expenses related to COVID-19 response, including overtime, travel, and supplies;
 - (F) \$200,000 for command supplies and equipment, including the deployment of hand sanitizer stations at critical state facilities and other public areas;

- (G) \$200,000 for the Kauai district health office for County of Kauai-specific response;
 - (H) \$500,000 for the Hawaii district health office for County of Hawaii-specific response;
 - (I) \$300,000 for the Maui district health office for County of Maui-specific response; and
 - (J) \$600,000 for sanitation items;
- (4) Inserting an appropriation of \$2,788,750 to the Department of Transportation to obtain resources necessary to protect the health and safety of Hawaii's population and economy from any threats entering through the State's airports and harbors, including installation of sanitation teams, additional staff and training to conduct appropriate screening, advanced medical care services, acute quarantine facilities, and for Kona in the County of Hawaii, a basic life support ambulance and associated equipment;
 - (5) Including an appropriation of \$1,180,000 to the Department of Defense for emergency management and response, including certain operating expenses and the purchase of certain equipment, supplies, and services;
 - (6) Inserting a provision authorizing the Governor to transfer of any funds appropriated in the measure; provided that the Governor submit to the Legislature a summary report of any use of this authority within thirty days of any transfer;
 - (7) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
 - (8) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

Your Committee recommends that \$35,000 be the amount appropriated to the Department of Health for other personnel expenses related to COVID-19 response, including overtime, travel, and supplies.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 75, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 75, S.D. 2, and be placed on the calendar for Third Reading.

Signed by the President on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Shimabukuro, Taniguchi).

SCRep. 3098 Judiciary on S.B. No. 2612

The purpose and intent of this measure is to establish the offense of assault against a sports official in the first, second, and third degree and terroristic threatening against a sports official.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii High School Athletic Association, Hawaii Scholastic Soccer Federation, Hawaii Wrestling Officials Association, and three individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that there is a shortage of sports officials and although there are several factors responsible for this shortage, harassment by unruly spectators and fans is a major contributing factor, especially when threats are made to cause bodily harm and other more serious assaultive conduct. Your Committee notes that under existing law, intentionally or knowingly causing serious bodily injury to a sports official, or any person, constitutes assault in the first degree and is a class B felony, which carries penalties of up to ten years of imprisonment and \$25,000 in fines. This measure provides added protection of the justice system for threats and bodily harm to officials when spectators and fans are uncontrollable and asserts that such behavior should not be tolerated in the State.

Your Committee has amended this measure by:

- (1) Specifying that "sports official" includes paid persons and unpaid volunteers;
- (2) Deleting language that would have established the offense of assault against a sports official in the first, second, and third degree and terroristic threatening against a sports official;
- (3) Inserting language to allow the court to enjoin a defendant from attending any sports event of the type at which the offense occurred for up to twelve months when convicted of certain assault or terroristic threatening offenses and the victim of the offense is a sports official engaged in the lawful discharge of the sports officials' duties; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2612, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2612, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 3099 Ways and Means on S.B. No. 2710

The purpose and intent of this measure is to appropriate funds for one full-time equivalent accredited rural appraiser within the Department of Agriculture.

Your Committee received written comments in support of this measure from the Department of Agriculture, Land Use Research Foundation of Hawaii, Ponoheo Ranch, Ohana Farm Orchards, Ulupalakua Ranch, Hawaii Coconut Protectors, Hawaii Aquaculture and Aquaponics Association, East Oahu County Farm Bureau, Hawaii Crop Improvement Association, Hawaii Cattlemen's Council,

Hawaii Farm Bureau, Maui County Farm Bureau, Waihale Products, KVTHC, Ono Pop's Kauai, Pacific Ag Consultants, and numerous individuals.

Your Committee finds that funding the accredited rural appraiser position will help the State further its goal of promoting diversified agriculture.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2710, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2710, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3100 Ways and Means on S.B. No. 2711

The purpose and intent of this measure is to support the State's farming industry by appropriating funds to the University of Hawaii to identify and purchase foreign agricultural technology, including small equipment tractors and retrofit engines to comply with the United States Environmental Protection Agency emission standards for small engines.

Your Committee received written comments in support of this measure from the Department of Agriculture; University of Hawaii System; Waihale Products; Ohana Farm Orchards; Ulupalakua Ranch; Maui Chamber of Commerce; Hawaii Cattlemen's Council; Hawaii Farm Bureau; Hawaii Crop Improvement Association; Land Use Research Foundation Hawaii; Hawaiian Flower Gardens, Inc.; Onopops Kauai; Hawaii Coconut Protectors LLC; Ulupono Initiative; Maui County Farm Bureau; Ponooho Ranch; and numerous individuals.

Your Committee finds that this measure supports the State's farming industry by assisting small farms in obtaining improved technology and equipment to increase efficiency and production.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2711, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2711, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3101 Ways and Means on S.B. No. 2722

The purpose and intent of this measure is to establish a five-year food hub pilot program under the Department of Agriculture and appropriate funds for the program.

More specifically, the measure:

- (1) Requires the pilot program to award grant funding for the construction of critical infrastructure to establish and expand food hubs across the State;
- (2) Requires the Department of Agriculture to establish criteria for awards, including giving priority to organizations with demonstrated experience in value-additions for delivering local produce to local markets, and other specified criteria; and
- (3) Requires the Department to submit reports to the Legislature prior to each of the Regular Sessions of 2021, 2022, 2023, and 2024.

Your Committee received written comments in support of this measure from the Department of Agriculture, Hawaii Public Health Institute, Obesity Prevention Task Force, Hawaii Farm to School Hui, Hawaii Farm Bureau, Alternative Structures International (dba Kahumana Organic Farms), Hawaii Farmers Union United, Beyond Pesticides, Recycle Hawaii, HFUU, Maui Farmers Union United, Farm Link Hawaii, Waimanalo Farmers Union, Jones Family Farm, Ulupono Initiative, Hawaii Appleseed Center for Law and Economic Justice, Maui Chamber of Commerce, Hawaii Farmers Union United-Haleakala Chapter, and twenty individuals.

Your Committee finds that the food hub pilot program established by this measure will help to strengthen the State's food security by providing technical assistance and grant funding to local farmers to increase the scale of production, marketing, and distribution, and thereby increase consumer access to safe, marginally processed, locally grown fruits and vegetables.

Your Committee has amended this measure by:

- (1) Changing the appropriation amount from \$1,000,000 to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2722, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2722, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3102 Ways and Means on S.B. No. 2755

The purpose and intent of this measure is to appropriate funds to the Department of Land and Natural Resources to collaborate with the University of Hawaii College of Tropical Agriculture and Human Resources on a state-wide species assessment of pueo.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources and Hawaii's Thousand Friends.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee finds that the State can use the data provided by the state-wide species assessment to determine the protections pueo need under the State's endangered species laws and to identify the conservation needs of the species.

Your Committee has amended this measure by:

- (1) Setting out the program requirements and the appropriation for the program in separate sections to comport with recommended drafting conventions;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2755, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2755, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3103 Ways and Means on S.B. No. 2826

The purpose and intent of this measure is to require the Department of Hawaiian Home Lands to develop and implement a loan servicing manual, subject to approval by the Hawaiian Homes Commission.

Your Committee received written comments on this measure from the Department of Hawaiian Home Lands.

Your Committee finds that the Department of Hawaiian Home Lands' lease cancellation process is extensive and includes multiple steps. Further, if a lease is canceled, a lessee may seek reconsideration or appeal. Your Committee finds merit in requiring the Department of Hawaiian Home Lands to develop and use a loan servicing manual that would assist the department's efforts in addressing issues posed by and facing beneficiaries subject to the cancellation process.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2826, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2826, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3104 Ways and Means on S.B. No. 2867

The purpose and intent of this measure is to clarify how compensation is calculated for the purposes of public employee retirement benefits by specifying that an employee's base pay is the amount set forth in the employee's personnel action report.

Your Committee received written comments in support of this measure from the Employees' Retirement System.

Your Committee received written comments on this measure from the Hawaii Government Employees Association.

Your Committee finds that the clarifications provided by this measure will ensure that all public employees' retirement benefits will be computed in a fair and equitable manner and will facilitate employers' consistent and timely reporting of compensation.

Your Committee has amended this measure by making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2867, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2867, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3105 Ways and Means on S.B. No. 3143

The purpose and intent of this measure is to promote procurement efficiency, program success, and government accountability.

Specifically, the measure:

- (1) Requires the State Procurement Office and the Public Works Division of the Department of Accounting and General Services to develop a ten-year pilot program to enable innovative methods of procurement;
- (2) Authorizes and appropriate moneys for the State Procurement Administrator to establish and fill one exempt innovative project delivery officer position for the duration of the pilot program; and
- (3) Requires the State Procurement Office and the Public Works Division of the Department of Accounting and General Services to submit biennial reports to the Legislature.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services, State Procurement Office, Office of Planning, and Hawaii Interagency Council for Transit-Oriented Development.

Your Committee finds that training and guidance are necessary to ensure proper procurement practices and management. Your Committee believes that a pilot program that offers relevant advisory, governance, and management services to state agencies may be an appropriate vehicle to achieve these goals.

Your Committee has amended this measure by:

- (1) Specifying that the appropriation is for fiscal year 2020-2021;
- (2) Changing the appropriation from \$85,000 to an unspecified amount to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3143, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3143, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (English, Kahele).

SCRep. 3106 Ways and Means on S.B. No. 3126

The purpose and intent of this measure is to reduce recidivism by inmates following their release from incarceration.

More specifically, this measure:

- (1) Establishes within the Department of Public Safety a four-year pilot program and working group to create a program designed to reduce recidivism by providing business, entrepreneurial, and financial literacy education to inmates; and
- (2) Appropriates \$400,000 to the Department for the establishment of the pilot program.

Your Committee received written comments in support of this measure from the Department of Public Safety, Community Alliance on Prisons, Americans for Democratic Action Hawaii, Chamber of Commerce of Hawaii, and one individual.

Your Committee finds that 49.6 percent of convicted felons return to prison within one year of their release, whereas forty-three percent of inmates who seek and attain education while incarcerated are less likely to recidivate. Given the social and financial costs of recidivism, your Committee believes that the pilot program established by the measure would proactively reduce recidivism by providing inmates with business skills that can boost their economic success upon their return to the community.

Your Committee has amended this measure by:

- (1) Clarifying that members of the working group shall be selected by the Director of Public Safety, who shall serve as chairperson, and that the working group shall submit to the Legislature an interim report and a final report on the status of the pilot program;
- (2) Changing the appropriation amount to an unspecified amount;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3126, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3126, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3107 Ways and Means on S.B. No. 3074

The purpose and intent of this measure is to facilitate the public funding of campaigns for elective office by:

- (1) Increasing by ten percent annually the maximum limit imposed on aggregate expenditures by publicly-funded candidates; and

- (2) Beginning on January 1, increasing the amount of voluntary state income tax check-off contributions that taxpayers may designate to be paid over to the Hawaii election campaign fund.

Your Committee received written comments in support of this measure from Common Cause Hawaii and four individuals.

Your Committee received written comments on this measure from the Department of Taxation, Campaign Spending Commission, and Tax Foundation of Hawaii.

Your Committee finds that as campaign costs have risen over the years, increased public funds should also be available for candidates. Your Committee notes that increasing the maximum limit imposed on aggregate expenditures by publicly-funded candidates will also have the effect of increasing the amount of public funding available to candidates, thus providing a more level playing field in elections.

Your Committee also recognizes the merits of increasing the amounts that taxpayers may designate from their owed tax liability to the Hawaii election campaign fund as state income tax check-off contributions.

Your Committee has amended this measure by:

- (1) In the amendments pertaining to state income tax check-off contributions, clarifying that certain thresholds relating to gross income refer to federal adjusted gross income;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3074, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3074, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Taniguchi). Noes, none. Excused, 2 (Inouye, Kaehele).

SCRep. 3108 Judiciary on S.B. No. 2212

The purpose and intent of this measure is to:

- (1) Exempt housing offered exclusively for sale in perpetuity to buyers who are residents of the State, owner-occupants, and do not own any other real property from inclusionary zoning requirements; and
- (2) Require each county to submit annual reports on inclusionary zoning requirements to the Legislature prior to the convening of the Regular Sessions of 2021 through 2025.

Your Committee received testimony in opposition to this measure from the Office of Hawaiian Affairs, Office of State Planning, and City and County of Honolulu Department of Planning and Permitting.

Your Committee finds that the State is experiencing a severe shortage of affordable housing. Your Committee further finds that there has been a lack of measurable progress at the county level to enact policies that will stimulate housing production to meet this project demand. This measure incentivizes the production of housing units at all price points and encourages more developers to build affordable housing in the State for residents.

Your Committee has amended this measure by inserting an effective date of June 18, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2212, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2212, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3109 Judiciary on S.B. No. 2329

The purpose and intent of this measure is to amend provisions relating to ignition interlock devices. Specifically, this measure:

- (1) Requires any person operating a vehicle with an ignition interlock device to have government issued identification in their immediate possession;
- (2) Expands the lookback period for convictions relating to ignition interlock device requirements from five to ten years;
- (3) Amends the sentencing guideline to be between six months and one year;
- (4) Requires consecutive terms of imprisonment for anyone convicted for operating a vehicle under the influence of an intoxicant if arising from the same conduct as the conviction for operating a vehicle after losing driving privileges for operation of a vehicle while under the influence of an intoxicant; and
- (5) Expands the offense of circumventing or tampering with an ignition interlock device to include obscuring the camera lens.

Your Committee received testimony in support of this measure from the Department of Transportation; Office of the Prosecuting Attorney of the County of Hawaii; and Smart Start LLC, Hawaii Corporate Office. Your Committee received comments on this measure from the Office of the Public Defender.

Your Committee finds that according to the National Highway Traffic Safety Administration, Hawaii ranks fifth worst in the nation for the percentage of alcohol-impaired driving fatalities. This measure strengthens provisions and penalties relating to ignition interlock devices to deter drunk driving and save lives.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2329, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2329, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3110 Judiciary on S.B. No. 2654

The purpose and intent of this measure is to:

- (1) Authorize a licensed private building inspector, contracted by the State or county, to certify compliance with county standards; and
- (2) Provide that the request for dedication for infrastructure to connect an eligible affordable housing's infrastructure to the county's infrastructure, if not otherwise accepted or rejected, is deemed accepted within sixty days of the request.

Your Committee received testimony in support of this measure from the Building Industry Association of Hawaii and Faith Action for Community Equity. Your Committee received testimony in opposition to this measure from Department of Public Works, County of Hawaii.

Your Committee finds that despite expedited processes adopted with regard to the review of proposed affordable housing projects, that delays often occur when counties fail to accept the dedication of infrastructure in a timely manner. This measure would increase the State's housing supply for its residents by automatically accepting a request for dedication of infrastructure to connect an affordable housing project's infrastructure to the county's infrastructure within sixty days of the request, absent an affirmative acceptance or rejection by a county.

Your Committee has amended this measure by inserting an effective date of June 18, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2654, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2654, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3111 Ways and Means on S.B. No. 2322

The purpose and intent of this measure is to prohibit the Department of Budget and Finance from issuing a certificate of participation with a principal amount exceeding \$10,000,000.

Your Committee received written comments in support of this measure from Protect Our Ala Wai Watersheds, Sierra Club, Save Ala Moana Beach Park Hui, and numerous individuals.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that decisions regarding the financing of state and city projects should be made under the public scrutiny and oversight that is available through the legislative process.

Your Committee has amended this measure by:

- (1) Clarifying that the Director of Finance is prohibited from issuing or approving a certificate of participation for which the principal amount exceeds \$10,000,000, to conform with other provisions regarding certificates of participation in chapter 37D, Hawaii Revised Statutes;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2322, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2322, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3112 Ways and Means on S.B. No. 2333

The purpose and intent of this measure is to require and appropriate funds for the Executive Office on Aging to assess the State's long-term care system.

More specifically, the measure directs the Executive Office on Aging to:

- (1) Assess the progress made toward attaining policy goals identified by the Long Term Care Commission;

- (2) Formulate further recommendations on ways the State can meet these policy goals; and
- (3) Submit a report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2022.

Your Committee received written comments in support of this measure from AARP Hawaii.

Your Committee received written comments on this measure from the Executive Office on Aging.

Your Committee finds that the State's older population continues to grow, creating a greater need for high-quality long-term care services. It is therefore important to assess the State's progress in meeting goals established by the Long Term Care Commission to meet this population's needs.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2333, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2333, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3113 Ways and Means on S.B. No. 2622

The purpose and intent of this measure is to control and prevent the spread of invasive species, including plants and animals, in the County of Hawaii. More specifically, this measure appropriates funds to the Department of Land and Natural Resources to establish five permanent full-time equivalent (5.0 FTE) invasive species technician positions within the Division of Forestry and Wildlife.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, County of Hawaii Office of the Mayor, Hawaii Farm Bureau, and one individual.

Your Committee finds that invasive species negatively impact the environment and economy in the State. Your Committee further finds that this measure provides the Department of Land and Natural Resources with necessary funding to control and prevent the spread of invasive species, including miconia, that threaten the local environment, cultural practices, and economy of the County of Hawaii.

Your Committee has amended this measure by changing the appropriation to an unspecified amount to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2622, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2622, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3114 (Majority) Ways and Means on S.B. No. 2648

The purpose and intent of this measure is to clarify the status of certain lands that are under the jurisdiction of the Hawaii Housing Finance and Development Corporation.

More specifically, this measure:

- (1) Specifies that lands that are set aside by the Governor or leased by any department or agency of the State to the Hawaii Housing Finance Development Corporation are not "public lands";
- (2) Requires that the sale of any lands that are set aside by the Governor or leased by any department or agency of the State to the Hawaii Housing Finance Development Corporation are subject to legislative approval; and
- (3) Requires that lands that are leased by any department or agency of the State to the Hawaii Housing Finance Development Corporation that are no longer needed for housing, finance, or development shall be returned to the lessor agency.

Your Committee received written comments in support of this measure from the Hawaii Housing Finance and Development Corporation, Building Industry Association Hawaii, IMUA Alliance, and Land Use Research Foundation of Hawaii.

Your Committee finds that this measure will streamline the development process for affordable housing projects on state lands under the jurisdiction of the Hawaii Housing Finance and Development Corporation by minimizing the number of approvals required from the Department of Land and Natural Resources as a project moves forward from the set-aside phase to the leasing, entitlement, financing, and development phases.

Your Committee has amended this measure by:

- (1) Reordering sections 2 and 3 to comport with accepted drafting conventions;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, style, and consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2648, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2648, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, 1 (Fevella). Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3115 Ways and Means on S.B. No. 2668

The purpose and intent of this measure is to provide additional resources to preserve and protect the State's legacy lands.

Specifically, the measure:

- (1) Increases the percentage of the revenues of the land conservation fund that may be used for costs related to the operation, maintenance, and management of lands acquired by way of the fund;
- (2) Increases the maximum dollar amount of the conveyance tax distributed annually to the land conservation fund; and
- (3) Appropriates moneys from the land conservation fund for resource land acquisition.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, The Trust for Public Land, Ke Ao Hali'i (Save the Hana Coast), and one individual.

Your Committee received written comments on this measure from Tax Foundation of Hawaii.

Your Committee finds that the State dedicates ten percent of the annual revenue from real estate conveyance taxes to the land conservation fund, subject to an annual statutorily-imposed maximum of \$6,800,00. Each year, the Legislature provides the Legacy Land Conservation Program with some of the money in the fund, and this money is then distributed through grants for land and conservation purposes. Your Committee therefore finds merit in increasing moneys available to the fund and appropriating moneys from the fund for land acquisition.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2668, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2668, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3116 Ways and Means on S.B. No. 3062

The purpose and intent of this measure is to increase the moneys in the rental housing revolving fund by removing the statutory cap on funds that may be deposited into the fund each year from State conveyance tax revenues.

Your Committee received written comments in support of this measure from the Hawaii Housing Finance and Development Corporation, Catholic Charities Hawaii, IMUA Alliance, and Faith Action for Community Equity.

Your Committee finds that this measure aligns with the goal of developing 22,500 affordable rental housing units in the State by 2026, established by Act 127, Session Laws of Hawaii 2016.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3062, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3062, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3117 Ways and Means on S.B. No. 2983

The purpose and intent of this measure is to appropriate funds to the Department of Health for the purpose of funding the health care provider loan repayment program administered by the University of Hawaii John A. Burns School of Medicine.

Your Committee received written comments in support of this measure from the Department of Health, Department of Labor and Industrial Relations, University of Hawaii, County of Hawaii Office of the Mayor, Healthcare Association of Hawaii, Hawaii State Rural Health Association, Hawaii Pacific Health, Kaiser Permanente, Hawaii Primary Care Association, Hawaii-American Nurses Association, Lanai Community Health Center, Hawaii Medical Association, Hilo Medical Center Foundation, Waianae Coast Comprehensive Health Center, The Queen's Health Systems, Hawaii State Center for Nursing, Hawaii Family Health, Hawaii Medical Service Association, Hawaii Association of Professional Nurses, Hawaii Academy of Family Physicians, and numerous individuals.

Your Committee finds that since its inception in 2012, the Hawaii rural health care provider loan repayment program has provided financial assistance to forty-six health care professionals and currently supports twenty-five health care providers in the State. Your Committee also finds that this measure provides necessary funding to continue to encourage health care professionals in the State to

practice in underserved geographic areas, thereby increasing access to quality medical care for many of the least-resourced individuals in the State.

Your Committee notes that this measure prohibits release of the funds until a dollar-for-dollar match is secured from a private or other public source.

Your Committee has amended this measure by:

- (1) Changing all references to the loan repayment program to "Hawaii rural health care provider loan repayment program", to conform with the program's name as established in section 309H-3, Hawaii Revised Statutes;
- (2) Changing the appropriation to an unspecified amount;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2983, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2983, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Inouye, Kahele, Shimabukuro).

SCRep. 3118 Ways and Means on S.B. No. 2941

The purpose and intent of this measure is to require the Department of Education to establish and administer an ocean safety and stewardship education program for all fourth grade students.

Your Committee received written comments in support of this measure from the Office of Curriculum and Instructional Design of the Department of Education, Injury Prevention Advisory Committee, Hawaii Aquatics Foundation, Na Kama Kai, Makaha Hawaiian Civic Club, Kanaka Ikaika Racing Association, and numerous individuals.

Your Committee received written comments on this measure from one individual.

Your Committee finds that drowning is a leading cause of injury-related death for children in the State who are under fifteen years of age.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2941, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2941, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3119 Ways and Means on S.B. No. 2903

The purpose and intent of this measure is to prohibit the sale or distribution of flavored tobacco products in the State.

Your Committee received written comments in support of this measure from the Department of Health; John A. Burns School of Medicine, University of Hawaii; Hana High and Elementary School; Kauai High Student Council; AAUW of Hawaii; American Academy of Pediatrics, Hawaii Chapter; American Cancer Society Cancer Action Network; American Heart Association; American Lung Association in Hawaii; Blue Zones Project-Hawaii; Filipina Advocacy Network FAN; Flavors Hook Kids Hawaii Campaign; Friends of Kamalani and Lydgate Park; Get Fit Kauai; Hawaii - American Nurses Association; Hawaii Association of Independent Schools; Hawaii Children's Action Network Speaks!; Hawaii Community Foundation; Hawaii Dental Hygienists' Association; Hawaii Pacific Health; Hawaii Primary Care Association; Hawaii Public Health Institute; Hawaii State Teachers Association; Hawaii Substance Abuse Coalition; Hawaii Youth Services Network; Hui No Ke Ola Pono; Kaiser Permanente; Kahoomiki; Hawaii Council on Physical Activity and Nutrition; Man Cave; Maui Preparatory Academy; Peer Education; Pono Hawaii Initiative; West Hawaii Community Health Center; and numerous individuals.

Your Committee received written comments in opposition to this measure from Hawaii Petroleum Marketers Association, Hawaii Smokers Alliance, Irie Hawaii Stores, VOLCANO eCigs, and numerous individuals.

Your Committee received written comments on this measure from the Aiea High School Peer Education Program and Hawaii Food Industry Association.

Your Committee finds that an increasing number of scientific studies have documented that flavors added to tobacco products increase their appeal to youths and are a major factor in youth use of tobacco. It is well-documented that added flavors facilitate youth initiation of tobacco use, which can expose the developing brain and body to the harmful and addictive effects of nicotine. Your Committee finds that this measure is needed to protect Hawaii's youth from a lifelong addiction to tobacco.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2903, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2903, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Inouye, Kahele, Shimabukuro).

SCRep. 3120 Ways and Means on S.B. No. 2884

The purpose and intent of this measure is to increase the amount of funds that may be retained in the public utilities commission special fund at the end of each fiscal year.

Your Committee received written comments in support of this measure from the Public Utilities Commission, Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs, and Ulupono Initiative.

Your Committee finds that the current carryover balance of \$1,000,000 has not been modified since 1994, even though the Public Utilities Commission has grown significantly in size in terms of responsibilities and operational costs since that time. Your Committee further finds that the \$1,000,000 carryover balance is no longer sufficient to meet the Public Utilities Commission's start-of-year expenses.

Your Committee has amended this measure by changing its effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2884, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2884, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Fevella). Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3121 Ways and Means on S.B. No. 2065

The purpose and intent of this measure is to support the alignment of educational curriculum in the State to workforce readiness by establishing a workforce readiness program within the Department of Education.

Your Committee received written comments in support of this measure from the University of Hawaii System, Department of Education, Department of Labor and Industrial Relations, Hawaii Food Industry Association, and one individual.

Your Committee received written comments on this measure from the Early Learning Board.

Your Committee finds that this measure supports the training of skilled workers in the State, thereby increasing workforce readiness for the benefit of Hawaii's residents, employees, businesses, and consumers.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2065, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2065, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3122 Ways and Means on S.B. No. 2099

The purpose and intent of this measure is to transfer to the Department of Agriculture operational authority over portions of the East Kauai Irrigation System.

In addition, the measure provides a conditional extension of the deadline to acquire required permits, establishes positions, authorizes general obligation bonds for an irrigation system capital improvement project, and appropriates funds.

Your Committee received written comments in support of this measure from the Department of Agriculture, Department of Land and Natural Resources, Land Use Research Foundation of Hawaii, Ulupono Initiative, Hawaii Farm Bureau, Waihale Products, PonoHolo Ranch, Ohana Farm Orchards, Ulupalakua Ranch, All Hawaiian Flower Gardens, Hawaii Coconut Protectors, Maui County Farm Bureau, KVTHC, Ono Pop's Kauai, Kulana Kokoleka Farm, Pacific Agricultural Consultants, Saiva Siddhanta Church, Kalepa Coalition, and numerous individuals.

Your Committee finds that providing irrigation support for East Kauai farmers is important and aligns with the State's food security goals.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2099, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2099, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3123 Ways and Means on S.B. No. 2256

The purpose and intent of this measure is to authorize the Department of Education to provide incentives to enhance recruitment and retention of public school and public charter school teachers.

Your Committee received written comments in support of this measure from the Department of Education, Kamehameha Schools, Hawaii Teacher Standards Board, Democratic Party of Hawaii Education Caucus, HE'E Coalition, Hawaii State Teachers Association, Early Learning Board, and Early Childhood Action Strategy.

Your Committee received written comments on this measure from the Executive Office on Early Learning.

Your Committee finds that authorizing incentives is an appropriate way of enhancing teacher recruitment and retention.

Your Committee further finds that as the current authorizer of all public charter schools, the State Public Charter School Commission is the most appropriate entity to provide incentives for public charter school teachers.

Your Committee has amended this measure by:

- (1) Making the funding for teacher incentives dependent upon the availability of existing Department of Education funds;
- (2) Authorizing the Department of Education to provide incentives to early childhood education teachers;
- (3) Authorizing the State Public Charter School Commission to provide incentives to public charter school teachers and authorizing the Commission to adopt rules for this purpose; and
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2256, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2256, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Shimabukuro).

SCRep. 3124 Ways and Means on S.B. No. 2264

The purpose and intent of this measure is to reduce situations in which a student may be denied a school meal due to the student's inability to pay.

Specifically, this measure:

- (1) Increases the number of days by which students must apply for free or reduced lunch or replenish the student's meal fund;
- (2) Prohibits a school from serving an alternative meal to a student solely for failure to pay within:
 - (A) Thirty days of the first semester of a school year; or
 - (B) Thirty days after a student's meal fund account reaches a zero or negative balance;
- (3) Prohibits a school from publicly identifying or stigmatizing a student who is unable to pay for a school meal;
- (4) Requires a school to direct any communication relating to a student's meal fund account balance to the student's parent or guardian;
- (5) Requires the Department of Education to report to the Legislature annually regarding the prevalence of students being denied a school meal;
- (6) Requires the Department of Education to use moneys in the special school lunch fund to provide school meals at no charge for children in kindergarten through twelfth grade who are participating in the school meals program and who would otherwise be required to pay a reduced price for meals; and
- (7) Deposits moneys into the special school lunch fund.

Your Committee received written comments in support of this measure from the LGBT Caucus of the Democratic Party of Hawaii, Pioneering Healthy Communities, Democratic Party of Hawaii Education Caucus, Hawaii Appleseed Center for Law and Economic Justice, Hawaii State Teachers Association, Parents and Children Together, Blue Zones Project, and six individuals.

Your Committee finds that students who are consistently fed nutritious meals have better behavior, better attendance records, and higher math and reading scores.

Your Committee has amended this measure by:

- (1) Changing the amount deposited into the special school lunch fund from \$800,000 to an unspecified sum;
- (2) Appropriating an unspecified sum out of the special school lunch fund;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2264, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2264, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3125 Judiciary on S.B. No. 2664

The purpose and intent of this measure is to require the Board of Education to:

- (1) In addition to its noticed regular public meetings, hold no less than six community forums annually, with at least one forum in each county;
- (2) Include an open forum for public comments on non-agenda items at the end of the agenda of each of its noticed regular public meetings; and
- (3) Submit a report to the Legislature prior to the Regular Session of 2021 on its efforts in implementing open forums at the end of each of its noticed regular public meetings.

Your Committee received testimony in support of this measure from the Board of Education, Democratic Party of Hawai'i Education Caucus, Americans for Democratic Action, and one individual. Your Committee received comments on this measure from the Civil Beat Law Center for the Public Interest.

Your Committee finds that community meetings improve the public's access to the Board of Education and provide the Board with more information to assist in its decision-making and priority setting. Your Committee further finds that the Board should receive public input at its noticed regular public meetings and by reaching out to the public through community meetings. This measure seeks to increase communication between the community-at-large and the Board of Education.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2664, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3126 Judiciary on S.B. No. 2894

The purpose and intent of this measure is to improve the Department of Human Services' enforcement of child care laws by clarifying certain requirements regarding licensing of child care facilities, including exemptions from applicable health and safety standards and investigations of violations.

Your Committee received testimony in support of this measure from the Department of Human Services.

Your Committee finds that existing exemptions relating to the licensing of child care facilities do not specify any restrictions as to the degree of relationship for relatives nor any restrictions for programs that provide exclusively for a specialized training or skill development. This measure will improve the Department of Human Services' ability to enforce regulations relating to child care facilities and to ensure that caregivers and organizations operating these facilities are complying with applicable health and safety standards.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2894, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3127 Judiciary on S.B. No. 3059

The purpose and intent of this measure is to remove the sunset provision of Act 39, Session Laws of Hawaii 2017 (Act 39), to allow the University of Hawaii to continue deployment of resources and personnel to promote the economic health and diversification of workforce opportunities in the State.

Your Committee received testimony in support of this measure from the University of Hawai'i System and Elemental Excelsior.

Your Committee finds that Act 39, Session Laws of Hawaii 2017, provided the University of Hawaii with express statutory authority to enable and facilitate the deployment of university educational and instructional resources, university managerial and fiscal resources, and university personnel to promote the economic health and diversification of workforce opportunities in the State through the commercialization of inventions and discoveries generated by or at the University of Hawaii until June 30, 2021. This measure makes Act 39 permanent by repealing the sunset date.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3059 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3128 Judiciary on S.B. No. 3075

The purpose and intent of this measure is to require the Board of Psychology to establish a pilot program to grant prescriptive authority to certain qualified clinical psychologists practicing in counties with populations of less than one hundred thousand persons, licensed in the State before January 1, 2020, and who meet specific education, training, and registration requirements.

Your Committee received testimony in support of this measure from the Mayor of Kauai and seven individuals. Your Committee received testimony in opposition to this measure from Hawai'i Psychiatric Medical Association and three individuals. Your Committee received comments on this measure from the Board of Psychology.

Your Committee finds that there is a significant shortage of prescribing mental health care providers available to serve the needs of the State's residents. This lack of access to appropriate mental health treatment has serious and irrevocable consequences for many Hawaii residents. Your Committee further finds that authorizing qualified clinical psychologists with appropriate advanced training to prescribe from a limited formulary of psychotropic medication will benefit Hawaii residents who live in rural or medically underserved communities, where mental health professionals with prescriptive authority are in short supply.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3075, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3129 Judiciary on S.B. No. 3158

The purpose and intent of this measure is to:

- (1) Prohibit a person from intentionally or knowingly manufacturing, importing, installing, reinstalling, distributing, selling, or offering for sale any counterfeit supplemental restraint system component, nonfunctional airbag, or airbag that does not meet federal safety requirements; and
- (2) Prohibit a person from intentionally or knowingly selling, offering for sale, installing, or reinstalling in a motor vehicle any device that causes the motor vehicle's diagnostic systems to fail to warn that the motor vehicle is equipped with a counterfeit supplemental restraint system component or nonfunctional airbag or that no airbag is installed, as applicable.

Your Committee received testimony in support of this measure from the National Insurance Crime Bureau, Hawaii Automobile Dealers' Association, and the Alliance for Automotive Innovation.

Your Committee finds that airbag systems are essential advanced technologies of vehicle supplemental restraint systems that, according to the National Highway Traffic Safety Administration, have saved the lives of tens of thousands of Americans over the past two decades. In order to provide optimum protection, the entire airbag system must work as it was designed; therefore, a single airbag or airbag component that is not functioning correctly can compromise the entire system. Your Committee further finds that foreign and domestic counterfeiters are flooding the market with cheap and ineffective knockoffs and the presence of counterfeit airbags is creating a clear and present public safety risk to consumers. This measure protects Hawaii consumers from persons who knowingly manufacture, import, sell, or install these dangerous counterfeit or nonfunctioning airbag products.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3158, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3130 Judiciary on S.B. No. 3173

The purpose and intent of this measure is to increase the fines available for violation of the laws on modified vehicle exhaust pipes and mufflers.

Your Committee received no testimony on this measure.

Your Committee finds that the growing noise pollution and disturbance from loud mufflers on motor vehicles, primarily motorcycles, may have impacts on public health and safety, as well as peaceful enjoyment and quality of life. Hawaii law currently prohibits the operation of a motor vehicle of which the exhaust pipe or muffler has been modified to increase the volume of the vehicle's motor; however, this law is regularly violated due to insufficient penalties. This measure increases fines for violations of section 291-22, Hawaii Revised Statutes, to deter violators.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3173 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3131 Judiciary on S.B. No. 2105

The purpose and intent of this measure is to authorize the examiner of drivers to accept driver's license renewal applications from civilian employees and contractors of the federal Department of Defense more than six months prior to the date of expiration under certain conditions.

Your Committee received no testimony for this measure.

Your Committee finds that under existing procedures, civilian employees and contractors of the federal Department of Defense may renew their REAL ID driver's license within the 6-month window via mail; however, this option is not available for renewal of non-REAL ID driver's licenses. Because these federal employees and contractor's jobs take them overseas for long periods of time, this measure allows them to renew their driver's license beforehand.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2105 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3132 Judiciary on S.B. No. 2249

The purpose and intent of this measure is to make it a civil and administrative violation for any person to engage in certain archaeological activities without obtaining the required permission or approval from the Department of Land and Natural Resources.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and one individual. Your Committee received comments on this measure from the Society for Hawaiian Archaeology.

Your Committee finds that there is a persistent issue involving whether archaeological activities are being conducted in violation of existing law. This measure addresses these issues by clarifying activities that are violations of current State law.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2249, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3133 Judiciary on S.B. No. 2280

The purpose and intent of this measure is to:

- (1) Prohibit certain contracts for managed care entered into after June 30, 2020, from containing a provision that authorizes a pharmacy benefit manager to reimburse a contracting pharmacy on a maximum allowable cost basis, and voiding any such provisions in existing managed care contracts;
- (2) Prohibit pharmacy benefit managers from:
 - (A) Engaging in self-serving business practices;
 - (B) Engaging in unfair methods of competition or unfair practices;
 - (C) Retaining any portion of spread pricing;
 - (D) Reimbursing a 340B pharmacy differently than any other network pharmacy;
 - (E) Reimbursing an independent or rural pharmacy an amount less than the rural rate for each prescription drug, under certain circumstances; and
 - (F) Prohibiting a pharmacist or pharmacy to provide certain information to insureds regarding cost sharing or more affordable alternative drugs; and
- (3) Insert language that provides, in responding to the State's request, any information provided in response to a data call from the Insurance Commissioner or designee shall be treated confidential and privileged;
- (4) Increase the pharmacy benefit managers' annual reporting requirements;
- (5) Require the Insurance Commissioner to make annual reports to the Legislature;
- (6) Increase pharmacy benefit manager registration and renewal fees; and
- (7) Make certain violations of pharmacy benefit managers subject to the penalties provided in chapters 480 and 481, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Insurance Division; Foodland Pharmacies; Hawaii Primary Care Association; KTA Super Stores; Waianae Coast Comprehensive Health Center; The Queen's Health Systems; Kookaa Kalihi Valley; Waimānalo Health Center; and eleven individuals. Your Committee received testimony in opposition to this measure from the Hawaii Employer-Union Health Benefits Trust Fund. Your Committee received comments on this measure from the Department of the Attorney General, Department of Health, CVS Health, Hawaii Medical Service Association, Hawaii Association of Health Plans, and Kaiser Permanente.

Your Committee finds that pharmacy benefit managers are companies that manage prescription drug benefits on behalf of health insurers and other payors by negotiating with drug manufactures and pharmacies to control drug spending. Pharmacy benefit managers have a significant impact in determining total drug costs for insurers and may have an incentive to favor high-priced drugs over drugs that are more cost-effective. This measure would increase transparency and fairness; and promote, preserve, and protect the public health, safety, and welfare by further regulating pharmacy benefit managers.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2280, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3134 Judiciary on S.B. No. 2284

The purpose and intent of this measure is to prohibit a health care insurer, mutual benefit society, or health maintenance organization from requiring an insured, subscriber, member, or enrollee diagnosed with stage two through stage four cancer to undergo step therapy prior to covering the insured for the drug prescribed by the insured's health care provider, under certain conditions, for health insurance policies and contracts issued or renewed after December 31, 2020.

Your Committee received testimony in support of this measure from Hawaii Medical Association, Save Medicaid Hawaii, and one individual. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Hawaii Association of Health Plans, and Hawaii Medical Service Association.

Your Committee finds that the Department of Health reports cancer as the second leading cause of death among Hawaii residents, claiming more than two thousand two hundred Hawaii residents each year. Your Committee further finds that cancer patients should have full access to effective treatment options at early stages of their illnesses. This measure would prohibit health insurers from requiring step therapy prior to covering the insured for the drug prescribed by the insured's health care provider. Your Committee further finds that deferring to the treatment decisions of oncologists are in line with national best practice guidelines issued by the American Society of Oncology and the National Comprehensive Cancer Network.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2284, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3135 Judiciary on S.B. No. 2276

The purpose and intent of this measure is to:

- (1) Require drug manufacturers to notify the insurance commissioner, prescription drug benefit plans, and pharmacy benefit managers if a proposed increase in the wholesale price of certain drugs would result in an unspecified percent age or more price increase over a two-year period;
- (2) Require the drug manufacturer to identify and report to the insurance commissioner information on certain drugs whose wholesale acquisition cost increases by a certain amount during a specified time frame; and
- (3) Require the insurance commissioner to post price information of certain drugs on the Department of Commerce and Consumer Affairs' website.

Your Committee received testimony in opposition to this measure from the Pharmaceutical Research and Manufacturers of America. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Insurance Division; Office of Information Practices; and the Hawaii Employer-Union Health Benefits Trust Fund.

Your Committee finds that one of the greatest threats to the affordability of health care coverage is the pharmaceutical industry's pricing of new and existing medications. This measure would require pharmaceutical manufacturers to report certain pricing information when implementing major price increases. This measure also provides assessable fines for a violation of the reporting requirements by drug manufacturers.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2276, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3136 Judiciary on S.B. No. 2421

The purpose and intent of this measure is to repeal the sunset provision of Act 195, Session Laws of Hawaii 2018 (Act 195), permanently codifying the amendments relating to the limitations on powers of condominium associations, condominium association fiscal matters, and cure of default of foreclosures.

Your Committee received testimony in support of this measure from the Hawaii Chapter of the Community Associations Institute Legislative Action Committee, Palehua Townhouse Association, Associa, Kokua Council, Hui 'Oia'i'o, and nine individuals.

Your Committee finds that Act 195 created important and effective rules relating to association foreclosures on condominiums to be in effect until June 30, 2020. These rules help to protect condominium owners from having to pay fees and other non-common element charges prior to an opportunity to dispute a false violation or wrongly imposed late fee penalty. This measure makes Act 195 permanent by repealing its sunset date.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2421, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3137 Judiciary on S.B. No. 2538

The purpose and intent of this measure is to:

- (1) Prohibit the sale of flavored tobacco products; the mislabeling of e-liquid products containing nicotine; and establish fines and penalties for violations, which will be deposited in the Hawaii Tobacco Prevention and Control Trust fund;
- (2) Authorize a court to impose, as a penalty on a person eighteen to twenty-one years of age who is convicted of possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine; and
- (3) Require a parent or guardian of a minor to select from among the penalties for a minor convicted of possession of a tobacco product or electronic smoking device.

Your Committee received testimony in support of this measure from the Department of Health; Maui Police Department; Kauai Police Department; Hawaii Youth Services Network; Filipina Advocacy Network; American Academy of Pediatrics, Hawaii Chapter; Hawaii Primary Care Association; Hawaii Substance Abuse Coalition; We Are One, Inc.; American Association of University Women of Hawaii; Hawaii Dental Hygienists' Association; Friends of Kamalani and Lydgate Park; Kaho'omiki Hawaii Council on Physical Activity and Nutrition; Pediatric Therapies Hawaii; Hawaii Food Industry Association; Hui No Ke Ola Pono; American Cancer Society Cancer Action Network; Kamehameha Schools; Windward Nazarene Academy; Maui Preparatory Academy; St. Andrew's Schools; Doris Todd Christian Academy; Maui Christian Academy; Maui Adventist School; Malamalama Waldorf School; Holy Nativity School; Mid-Pacific; Damien Memorial School; Hawai'i Pacific Health; Flavors Hook Kids Hawai'i; The Man Cave; Hawai'i Public Health Institute; Hawaii State Teachers Association; Hawai'i Children's Action Network Speaks!; American Lung Association; and twenty-nine individuals. Your Committee received testimony in opposition to this measure from Irie Hawaii Stores; Vape Kings, LLC; Cigar Association of America, Inc.; Hawaii Smokers Alliance; Hawaii Petroleum Marketers Association; and sixty-one individuals. Your Committee received comments on this measure from the Department of Education; Department of the Attorney General; and American Heart Association.

Your Committee finds that tobacco use remains the leading cause of preventable disease and death in the United States and in Hawaii. Your Committee further finds that while there has been a decline in the use of combustible cigarettes over the last decade, there has been a dramatic increase in the use of electronic smoking devices by Hawaii's youth, largely because of the appealing nature of flavored tobacco products. This measure seeks to protect Hawaii youth from tobacco addiction and related health conditions by prohibiting the sale or distribution of all flavored tobacco products in the State and establishing fines and penalties that aim to educate and deter young users.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2538, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3138 Judiciary on S.B. No. 3110

The purpose and intent of this measure is to prohibit nonresident aliens and businesses and trusts that are significantly controlled by nonresident aliens from acquiring certain residential property in the State, except as otherwise provided by law, and to provide for reversion or escheat of any property acquired in violation of the provisions in this measure.

Your Committee received testimony in support of this measure from three individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS®.

Your Committee finds that the high cost of purchasing property has put homeownership out of reach for many families in Hawaii. One factor contributing to the inflated costs of homes is speculation by nonresident alien developers and investors, which artificially increases competition in the market and drives prices beyond the resources of individuals and families who would like to purchase homes. This measure would prohibit nonresident aliens and businesses and trusts significantly controlled by nonresident aliens from acquiring certain residential property in the State, except as otherwise provided by law, to create a more level playing field of home ownership.

Your Committee notes that attempts to regulate the purchase of residential property by nonresident aliens may have more than an incidental or indirect effect on the country of the nonresident alien, may be unconstitutionally discriminatory, and inconsistent with the foreign policies of the United States. Your Committee also notes that this measure applies only to residential properties constructed more than five years prior to the acquisition or purchase date, without a clear basis for this limitation. Your Committee believes that these concerns should be addressed as this measure proceeds.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3110, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3139 Judiciary on S.B. No. 2787

The purpose and intent of this measure is to:

- (1) Authorize the Department of Health to issue permits to medical cannabis dispensaries for the delivery of medical cannabis and manufactured cannabis products to qualifying patients or primary caregivers if certain conditions are met; and
- (2) Authorize the Department of Health to issue medical cannabis transporter licenses in specific situations.

Your Committee received testimony in support of this measure from the Hawai'i Cannabis Industry Association, Kush Bottles Hawaii, Big Island Grown, and one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that although the state medical cannabis dispensary system was established in 2016, some qualifying patients and primary caregivers continue to have difficulty physically getting to a retail dispensing location due to transportation issues, their physical disability and pain, or geographic distance. This measure provides for a safe, secure, and transparent system for qualifying patients and primary caregivers to have medical cannabis and manufactured cannabis products delivered to their homes. The measure also limits the number of deliveries that can be made in a single trip to an unspecified amount.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2787, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3140 Judiciary on S.B. No. 2878

The purpose and intent of this measure is to:

- (1) Authorize the Board of Massage Therapy to promulgate and enforce sanitation rules for massage establishments;
- (2) Repeal the petty misdemeanor penalty for practicing massage therapy without a license in favor of existing statutes that already treat unlicensed activity as a misdemeanor; and
- (3) Increase the minimum fine from \$100 to \$250 and the maximum fine from \$1,000 to \$2,000 for each violation.

Your Committee received testimony in support of this measure from the Board of Massage Therapy, American Massage Therapy Association, and IMUAlliance.

Your Committee finds that the Hawaii Administrative Rules that governed sanitation requirements for massage establishments were repealed in October 2018, resulting in existing massage establishments not being subject to any form of sanitation rules and being allowed to operate under self-imposed sanitary requirements. This measure will ensure the safety of the public by granting rulemaking authority to and clarifying enforcement powers of the Board of Massage Therapy.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2878 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3141 Judiciary on S.B. No. 2993

The purpose and intent of this measure is to align the State's commercial driver's license qualification standards with federal regulations by repealing language related to medical waivers due to diabetes.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that an amendment to a federal rule removed the requirement for commercial driver's license holders who are treating diabetes with insulin to obtain a medical waiver in addition to their periodic medical examination. Rather than continue to require a waiver, the medical examiner who examines the driver using insulin will confer with the driver's treating clinician, evaluates the driver's medical records, and decide whether the driver's medical condition will have an adverse effect on the driver's ability to drive safely. If the driver satisfies the medical requirements, a medical examiner's certificate with no indication of a waiver is issued to the driver. This measure aligns state law with federal regulations and expedites the certification process for commercial driver's license holders who are treating diabetes with insulin.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2993 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3142 Judiciary on S.B. No. 3176

The purpose and intent of this measure is to provide that any authorization by a county director of finance for an electronic method of motor vehicle registration, including the acceptance of any supplemental documents in electronic form, shall extend to all types of motor vehicles and intermodal equipment.

Your Committee received testimony in support of this measure from Matson, Inc.; Servco Pacific, Inc.; and Hawaii Automobile Dealers' Association. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that currently, only personal motor vehicle registration documents may be submitted electronically, while all other vehicles require submission of paper documents. This measure allows all vehicle registration documents to be submitted electronically.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3176, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3143 (Majority) Ways and Means on S.B. No. 3011

The purpose and intent of this measure is to provide funding for the restoration, repair, operation, and maintenance of Iolani Palace.

Specifically, the measure appropriates:

- (1) \$2,000,000 for specified restoration and repair expenses;
- (2) \$250,000 for specified operation and maintenance expenses; and
- (3) An unspecified amount for one full-time groundskeeper.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Hawaii Tourism Authority, Bishop Museum, Native Hawaiian Chamber of Commerce, Council for Native Hawaiian Advancement, The Queen's Health Systems, Native Hawaiian Education Council, Aha Punana Leo, Malama Aina Foundation, Association of Hawaiian Civic Clubs, Partners in Development Foundation, Kamehameha Schools, Papa Ola Lokahi, Friends of Iolani Palace, and six individuals.

Your Committee finds that the measure's provision of funding for the continued upkeep and operations of Iolani Palace, a state museum of Hawaii's unique monarchy history, will support the Palace's mission to preserve, restore, interpret, share, and celebrate its significant cultural, historical, and spiritual qualities.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3011, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, 1 (Fevella). Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3144 (Majority) Ways and Means on S.B. No. 2898

The purpose and intent of this measure is to allow government agencies to give public notice or to publish notice through electronic means.

More specifically, the measure provides that government agencies may publish notices on their official websites in lieu of, or in addition to, doing so in a daily or weekly publication.

Your Committee received written comments in support of this measure from the Department of Taxation, Department of Health, Department of Land and Natural Resources, Department of Agriculture, Department of Labor and Industrial Relations, and City and County of Honolulu Department of Planning and Permitting.

Written comments in opposition were received from the Hawaii County Mayor's Office and two individuals.

The Office of Information Practices and one individual submitted written comments on the measure.

Your Committee finds that providing government agencies with the option to electronically post required public notices will allow those agencies to inform members of the public more expediently and cost-effectively, particularly in time-sensitive or urgent situations, such as updating the public on clean water environmental hazards and disaster-related response and recovery activities.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2898, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, 1 (Fevella). Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3145 Judiciary on S.B. No. 2076

The purpose and intent of this measure is to authorize the State Historic Preservation Division, in consultation with the Office of Hawaiian Affairs, to delegate to the impacted counties the responsibility for historic preservation project reviews, provided that certain requirements are met.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and Land Use Research Foundation of Hawaii. Your Committee received testimony in opposition to this measure from Minatoishi Architects and two individuals. Your Committee received comments on this measure from the Office of Hawaiian Affairs and Society for Hawaiian Archaeology.

Your Committee finds that existing law requires agencies and officers of the State and its subdivisions, prior to project approval, to submit for review all projects that may affect historic properties to the Department of Land and Natural Resources' State Historic Preservation Division (SHPD). However, due to the current demand for construction of housing and critical infrastructure, SHPD has an unacceptably large backlog of projects needing review. This measure would allow SHPD to delegate to the impacted counties the responsibility for historic preservation project reviews, provided that certain requirements are met.

Your Committee has amended this measure by:

- (1) Inserting an effective date of June 18, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2076, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2076, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4; Ayes with Reservations (Kim, Fevella). Noes, none. Excused, 1 (Gabbard).

SCRep. 3146 Judiciary on S.B. No. 2278

The purpose and intent of this measure is to:

- (1) Specify circumstances in which a patient is not liable to a health care provider for any sums owed by an insurer, mutual benefit society, or health maintenance organization;

- (2) Specify the rate at which a health insurance plan must reimburse a nonparticipating provider who provides health care to a patient, unless otherwise agreed to by the nonparticipating provider and the health insurance plan;
- (3) Require health insurance payors to use a transparent, third-party database to calculate out-of-network provider reimbursements for emergency services; and
- (4) Require mandatory mediation to resolve disputes between insurers and providers to be overseen by the Insurance Division of the Department of Commerce and Consumer Affairs.

Your Committee received testimony in support of this measure from the Hawaii Employer-Union Health Benefits Trust Fund Board of Trustees, Hawai'i Primary Care Association, AARP Hawaii, Hawaii Medical Service Association, and Kaiser Permanente Hawai'i. Your Committee received testimony in opposition to this measure from the Hawaii Medical Association. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs Insurance Division, The Queen's Health Systems, Healthcare Association of Hawaii, and Hawai'i Pacific Health.

Your Committee finds that patients with health insurance who receive treatment from an out-of-network provider may be subject to the practice known as "balance billing" or "surprise billing", where the provider bills the patient for the difference between what the patient's health insurance chooses to reimburse and what the provider chooses to charge. There is no comprehensive protection from surprise bills or balance bills at the federal level and, while there is a growing trend toward state action to protect patients from surprise bills or balance bills, most state laws do not provide comprehensive protections. This measure would protect Hawaii patients from being caught in the middle of balance billing disputes between health insurers and providers or being hit with significant surprise bills.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2278, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2278, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3147 Judiciary on S.B. No. 2584

The purpose and intent of this measure is to establish minimum requirements for dental assistants in Hawaii, including:

- (1) Requiring an individual hired as a dental assistant on or after July 1, 2021, to hold CPR certification and complete a two-semester program accredited by the American Dental Association Commission on Dental Accreditation;
- (2) Requiring all dental assistants employed as of July 1, 2020, to obtain CPR certification by July 1, 2021;
- (3) Requiring an individual employed as a dental assistant for less than five years as of July 1, 2020, to provide proof of enrollment in a two-semester program accredited by the American Dental Association Commission on Dental Accreditation;
- (4) Exempting an individual employed as a dental assistant for at least five years as of July 1, 2020, from the education requirements for dental assistants; provided that the individual has no history of complaints filed with the Board of Dentistry; and
- (5) Clarifying the allowable and prohibited practices of dental assistants.

Your Committee received testimony in support of this measure from the Hawaii Dental Hygienists' Association. Your Committee received testimony in opposition to this measure from the Board of Dentistry and the Hawaii Dental Association.

Your Committee finds that the proper standardization and regulation of dental assistants is necessary to ensure the health, safety, and well-being of the State's citizens. This measure establishes minimum requirements for dental assistants in Hawaii and lays out the allowable and prohibited practices of dental assistants.

Your Committee has amended this measure by inserting an effective date of June 18, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2584, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2584, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3148 Judiciary on S.B. No. 2994

The purpose and intent of this measure is to:

- (1) Establish a Photo Red Light Imaging Detector Systems Program to improve enforcement of the traffic signal laws;
- (2) Allow counties to implement the Photo Red Light Imaging Detector Systems Program;
- (3) Authorize the deposit of fines collected under county programs into a special fund; and
- (4) Authorize the expenditure of funds from the special fund by the Department of Transportation in the county in which the fine was collected for the establishment, operation, management, and maintenance of the photo red light imaging detector systems program.

Your Committee received testimony in support of this measure from the Department of Transportation Services of the City and County of Honolulu, Honolulu Police Department, Office of the Mayor of the County of Hawai'i, and Hawaii Bicycling League. Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from the Judiciary and Department of Budget and Finance.

Your Committee finds that during calendar years 2014 to 2018, a total of 1,312 intersection crashes occurred statewide as a result of red light and other traffic signal violations. Your Committee further finds that red light detection cameras have been effective in cities across the nation in reducing red light violations and collisions. This measure establishes the Photo Red Light Imaging Detector Systems Program to improve enforcement of the traffic signal laws in order to increase traffic safety and reduce injuries and fatalities.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2994, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2994, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Kim, Fevella). Noes, none. Excused, 1 (Gabbard).

SCRep. 3149 Judiciary on S.B. No. 3058

The purpose and intent of this measure is to remove the sunset provision of Act 38, Session Laws of Hawaii 2017 (Act 38), for the purpose of allowing the University of Hawaii to continue its contribution to research commercialization and economic development by making permanent application of ethics principles as applied to technology transfer activities.

Your Committee received testimony in support of this measure from the Hawai'i State Ethics Commission and University of Hawai'i System.

Your Committee finds that Act 38 was intended to facilitate the University of Hawaii's contribution to research commercialization and economic development for the State by exempting technology transfer activities sponsored by the University from the application of certain ethics principles under specific conditions, and requiring reports to the Legislature, until June 30, 2022. This measure amends Act 38 by extending the sunset date for three years, until June 30, 2025. Your Committee encourages the University of Hawaii System and Hawai'i State Ethics Commission to finalize the adoption of ethics rules for the types of activities authorized by Act 38.

Your Committee has amended this measure by inserting an effective date of June 18, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3058, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3058, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3150 Judiciary on S.B. No. 2652

The purpose and intent of this measure is to provide that the development of housing projects by the Hawaii Housing Finance and Development Corporation does not require income restrictions for projects that are built for Hawaii residents who will be owner-occupants, in perpetuity, and who own no other property.

Your Committee received testimony in opposition to this measure from the Hawaii Housing Finance and Development Corporation and Department of Planning and Permitting, City and County of Honolulu. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that many purchasers of below market affordable housing units later flip the property by selling them at a higher price to an out of state investor. This measure aims to support affordable housing production for owners who are residents of the State.

Your Committee has amended this measure by inserting an effective date of June 18, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2652, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2652, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3151 Judiciary on S.B. No. 2111

The purpose and intent of this measure is to add the chairperson of the Hawaiian Homes Commission or the chairperson's designee and the chairperson of the Department of Hawaiian Home Lands or the chairperson's designee as ex officio, voting members of the Commission on Water Resource Management.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands and Office of Hawaiian Affairs. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that the State Water Code requires that adequate reserves of water for current and foreseeable development of Hawaiian home lands be incorporated into and protected by the decisions of the Commission on Water Resource Management. Your

Committee finds that there would be stronger adherence to this requirement if the Commission on Water Resource Management included a representative of the Hawaiian Homes Commission.

Your Committee has amended this measure by:

- (1) Deleting language that would have added the chairperson of the Department of Hawaiian Home Lands or the chairperson's designee as an ex officio, voting member of the Commission on Water Resource Management;
- (2) Exempting the chairperson of the Hawaiian Homes Commission from the requirement of having substantial experience in the area of water resource management;
- (3) Amending section 1 to reflect its amended purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2111, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2111, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Gabbard).

SCRep. 3152 (Joint) Ways and Means and Judiciary on S.B. No. 2629

The purpose and intent of this measure is to require the Department of Land and Natural Resources and Department of Budget and Finance to establish and administer a state employee air travel carbon offset program.

More specifically, this measure requires state agencies from all branches of government to participate in the program to offset the carbon emissions that are caused by the work-related air travel of their employees.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, 350 Hawaii, Climate Protectors Coalition, and two individuals.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee received written comments on this measure from the Department of Budget and Finance, Office of Planning, and State Procurement Office.

Your Committee finds that air travel by state employees produces carbon dioxide and other greenhouse gas emissions that contribute to global climate effects. Reforestation projects can sequester substantial amounts of carbon dioxide as well as provide a variety of ecological, cultural, recreational, educational, and economic benefits.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2629, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2629, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Harimoto, Inouye, Kahele, Taniguchi).

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3153 (Majority) Judiciary on S.B. No. 2036

The purpose and intent of this measure is to:

- (1) Include lands that are set aside by the Governor to the Hawaii Housing Finance and Development Corporation (HHFDC) and lands leased to the HHFDC by any department or agency of the State within the exceptions to the definition of "public lands"; and
- (2) Require that lands set aside by the Governor to the HHFDC be returned to the public trust administered by the Department of Land and Natural Resources and lands leased to the HHFDC by any department or agency of the State be returned to that department or agency whenever the HHFDC no longer needs the lands for housing, finance, and development purposes.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, Land Use Research Foundation of Hawaii, Imua Alliance, and a private individual. Your Committee received testimony in opposition to this measure from a private individual. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that the State is experiencing a severe shortage of affordable housing. Your Committee further finds that under existing law, only lands to which the HHFDC holds title are excluded from the definition of "public lands", which does not take into consideration other forms of lands that the HHFDC is developing. This measure would expand the exclusion from the definition of "public lands" to include lands that the Governor has set aside to the HHFDC and lands leased to the HHFDC by a department of the State, for the primary purpose of developing affordable housing, thereby allowing for expediting the development of housing on lands held by HHFDC.

Your Committee has amended this measure by inserting an effective date of June 18, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2036, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2036, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, 1 (Fevella). Excused, 1 (Gabbard).

SCRep. 3154 Judiciary on S.B. No. 2313

The purpose and intent of this measure is to prohibit an employer from:

- (1) Requiring an employee to enter into, as a condition of employment, a nondisclosure agreement that prevents the employee from disclosing sexual harassment or sexual assault occurring in the workplace, at work-related events, between employees, or between an employer and an employee; and
- (2) Retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

Your Committee received testimony in support of this measure from Hawai'i Civil Rights Commission, Department of Human Services, American Association of University Women, SAG-AFTRA, Women's Caucus of the Democratic Party of Hawai'i, Hawaii Women's Coalition, The Queen's Health Systems, Iron Workers Stabilization Fund, and five individuals.

Your Committee finds that nondisclosure agreements that prevent disclosure of sexual assault and sexual harassment as a condition of employment silence victims of sexual harassment, sometimes allowing harassers to continue sexual harassment of other employees. There is also a concern that nondisclosure agreements enable repeat offenders to engage in a pattern of sexual harassment. Your Committee further finds that many victims of sexual assault and harassment do not report it because of fear of retaliation. This measure will help end the silencing of victims by banning nondisclosure agreements that prevent disclosure of sexual assault and harassment and prohibiting employers from retaliating against an employee for disclosing sexual harassment and assault.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2313, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2313, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 3155 Judiciary on S.B. No. 2118

The purpose and intent of this measure is to allow child custody appeals to be transferred from the Intermediate Court of Appeals to the Supreme Court, except in cases brought under the Child Protective Act.

Your Committee received testimony in support of this measure from the Judiciary.

Your Committee finds that under existing law, litigants in child custody matters, other than matters involving the termination of parental rights, are required to wait until the Intermediate Court of Appeals (ICA) issues a decision before being able to file an application for certiorari with the Supreme Court. This measure would allow for expedited resolution of child custody matters by enabling the litigants to bypass the ICA and apply for transfer directly to the Supreme Court.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2118 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3156 Judiciary on S.B. No. 2136

The purpose and intent of this measure is to require any residential real property, upon the sale or transfer of the property, to be equipped by the seller with smoke alarms that conform with all applicable State and county building or residential codes.

Your Committee received testimony in support of this measure from the Hawaii State Fire Council, Honolulu Fire Department, Maui Fire Department, and Kaua'i Fire Department.

Your Committee finds that properly installed and maintained smoke alarms provide an early warning when there is a fire, thereby reducing fire deaths and injuries by allowing those present to escape. This measure requires that all homes be equipped with smoke alarms upon sale or transfer.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2136 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3157 Judiciary on S.B. No. 2188

The purpose and intent of this measure is to provide that all animal parts, products, or items containing prohibited animal parts or products involved in the commission of wildlife trafficking or certain hunting offenses are to be considered contraband which shall be forfeited to and disposed of by the State.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Department of the Prosecuting Attorney of the City and County of Honolulu, Hawaiian Humane Society, Animal Rights Hawai'i, and three individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that Act 125, Session Laws of Hawaii 2016, enacted the most comprehensive state law targeting the illegal wildlife trade, to date. Although penalties for wildlife traffickers are in effect, your Committee finds that removing trafficked products from the market and instruments of trafficking out of circulation are another step forward towards ending wildlife trafficking.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2188, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3158 Judiciary on S.B. No. 2234

The purpose and intent of this measure is to lower the blood alcohol concentration (BAC) threshold for the offense of operating a vehicle while under the influence of an intoxicant.

Your Committee received testimony in support of this measure from the Department of Transportation, one member of the Maui County Council, Maui Police Department, Department of the Prosecuting Attorney of the City and County of Honolulu, National Safety Council, Hawaii Bicycling League, and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, American Beverage Institute, Hawaii Bar Owners Association, Wine Institute, and one individual. Your Committee received comments on this measure from one individual.

Your Committee finds that according to the National Highway Traffic Safety Administration, Hawaii ranks fifth worst in the nation for the percentage of alcohol-impaired driving fatalities. The National Transportation Safety Board recommends that all states lower the BAC threshold to .05 percent or lower. This measure lowers the BAC threshold to this recommended level in an effort to deter drunk driving and save lives.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2234 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3159 Judiciary on S.B. No. 2260

The purpose and intent of this measure is to repeal the minimum age for minors to obtain a civil identification card that is commonly referred to as a state identification card.

Your Committee received comments on this measure from one individual.

Your Committee finds that under existing law, a minor may obtain a civil identification card at age ten. Your Committee finds that there is no public purpose served by the minimum age requirement for obtaining a civil identification card. This measure therefore removes the age requirement to allow minors of any age to obtain a state identification card.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2260 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3160 Judiciary on S.B. No. 2344

The purpose and intent of this measure is to expand conditions for a minor to consent to no-cost emergency shelter and related services by:

- (1) Requiring that a provider supplying shelter is licensed to do so for minors or adults and is in compliance with zoning and safety regulations; and
- (2) Requiring the Department of Human Services to make every effort to ensure that every island has a shelter for unaccompanied minors.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, Hawaii Youth Services Network, Hawai'i Children's Action Network Speaks!, Residential Youth Services & Empowerment, IMUAlliance, Hawaii Kai Homeless Task Force, and six individuals. Your Committee received comments on this measure from the Department of Human Services and Governor's Coordinator on Homelessness.

Your Committee finds that addressing the needs of unaccompanied homeless minors is a multi-faceted, statewide challenge. Unaccompanied minors may find themselves homeless for a variety reasons, including experiencing financial hardship; being kicked out of their homes because of their sexual orientation, gender identity, gender expression, or pregnancy; running away from sexual, mental, or physical abuse; aging out of foster care; substance abuse; or experiencing the death of a guardian. Few resources are currently offered to unaccompanied homeless minors in the State, and little data has been collected on them. Your Committee finds that the State must take action to better provide services for homeless unaccompanied minors throughout the islands.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2344, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Gabbard).

SCRep. 3161 Judiciary on S.B. No. 2346

The purpose and intent of this measure is to clarify that the effective period of a protective order, temporary restraining order, or injunction restraining any party from contacting, threatening, or physically abusing a minor may extend to a date after the minor has reached eighteen years of age.

Your Committee received testimony in support of this measure from the Hawaii Youth Services Network, Domestic Violence Action Center, Planned Parenthood Votes Northwest and Hawaii, American Association of University Women of Hawaii, Parents and Children Together, and one individual.

Your Committee finds that temporary restraining orders, protective orders, and injunctions restraining a person from contacting, threatening, physically abusing, or harassing a minor typically are issued to expire when the minor reaches the age of eighteen, forcing the now adult who was previously protected to return to court and complete the process again. This measure resolves any existing ambiguity by making it clear that such orders and injunctions may extend beyond the protected minor's eighteenth birthday.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2346 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3162 Judiciary on S.B. No. 2486

The purpose and intent of this measure is to require the Department of Education to:

- (1) Establish a standardized data collection process for public schools, including public charter schools, and complex areas to maintain records and report data to the Department;
- (2) Collect and analyze data relating to, among other things, student discipline, seclusion, restraint, school climate, and student achievement; and
- (3) Annually report certain information to the Board of Education, Legislature, and the public.

Your Committee received testimony in support of this measure from the Department of Education, American Civil Liberties Union of Hawaii, American Association of University Women of Hawaii, Planned Parenthood Votes Northwest and Hawaii, Hawaii Women's Coalition, and Hawaii Children's Action Network Speaks!.

Your Committee finds that accurate data collection relating to absenteeism, discipline, and learning allows school system personnel and the Board of Education to determine interventions as necessary to encourage student success. Your Committee further finds that the United States Department of Education published a proposal on September 19, 2019, in the Federal Register announcing its intention to cease collecting certain types of data from public schools and public charter schools for the Department's mandatory civil rights data collection. This measure ensures that such important data will be collected on the state level.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2486, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3163 Judiciary on S.B. No. 2503

The purpose and intent of this measure is to establish within the Department of Health the Time of Transfer Individual Wastewater System Inspection Program to oversee the inspection and repair of any individual wastewater system at the time of the sale or transfer of ownership of an attached property.

Your Committee received testimony in support of this measure from the Department of Health. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the Department of Health and Department of Business, Economic Development, and Tourism receive approximately \$1,100,000 in annual federal grants through the Coastal Zone Act Reauthorization Amendments, contingent on the State taking measures to address and minimize polluted runoff, including runoff from on-site sewage facilities. This measure minimizes the polluted runoff created by failing individual wastewater systems in the State by establishing a program to oversee their inspection and repair at the time of an attached property's transfer or sale.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2503 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3164 Judiciary on S.B. No. 2639

The purpose and intent of this measure is to protect consumers from predatory towing practices by:

- (1) Adding definitions to provide clarification of existing statutes governing towing;
- (2) Requiring tow and storage companies to accept credit cards; and

(3) Adopting penalties consistent with unfair practices pursuant to section 480-13, Hawaii Revised Statutes.

Your Committee did not receive any testimony on this measure.

Your Committee finds that predatory towing is a combination of various unethical practices used by some towing companies to maximize their profits, including using spotters to immediately tow cars in violation, charging excessive fees, and making private side deals with parking lot owners. This measure amends existing statutory language to protect consumers from predatory towing practices.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2639, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3165 Judiciary on S.B. No. 2665

The purpose and intent of this measure is to establish that every judgment for child support is enforceable until paid in full.

Your Committee received testimony in support of this measure from one individual.

Your Committee finds that existing law provides that a judgment for child support is presumed to be paid and discharged on the thirty-third birthday of the child or ten years after a judgment for the child support was rendered, whichever date is later. This measure amends the law to ensure that child support judgments are enforceable until paid in full.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2665 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3166 Judiciary on S.B. No. 2677

The purpose and intent of this measure is to grant the family court jurisdiction concerning custody or guardianship of an immigrant child pursuant to a motion for special immigrant juvenile factual findings requesting a determination that the child was abused, neglected, or abandoned before the age of eighteen years for purposes of the federal Immigration and Nationality Act.

Your Committee received testimony in support of this measure from the Hawaii State Judiciary, Department of Human Services, Filipina Advocacy Network, Pono Hawai'i Initiative, Japanese American Citizens League, The Legal Clinic, and seven individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that federal law provides protections to individuals classified as special immigrant juveniles and consistent with the practices of other states, the State may assist individuals in claiming special immigrant juvenile status by clarifying that family court has jurisdiction over unmarried individuals under twenty-one years of age for purposes of awarding custody or guardianship pursuant to a motion for factual findings within the meaning of the Immigration and Nationality Act.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2677 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3167 Judiciary on S.B. No. 2701

The purpose and intent of this measure is to grant county agencies the right to enter property to investigate agricultural buildings and structures for violations of and compliance with building code exemption qualifications.

Your Committee received testimony in support of this measure from the State Office of Planning; County of Hawai'i, Office of the Mayor; Hawai'i Farm Bureau; and two individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that existing law includes specific requirements for agricultural buildings to ensure appropriate usage of lands in specified areas and to protect the well-being of the public and the land itself. The existence of non-compliant agricultural buildings threatens public health and safety; however, county agencies lack a sufficient mechanism to allow for the proper inspection of agricultural buildings to enforce compliance with statutory requirements. This measure addresses the lack of on-site inspection authority of exempted agricultural buildings by county departments or agencies.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2701 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3168 Judiciary on S.B. No. 2992

The purpose and intent of this measure is to permanently authorize the Department of Transportation to designate road shoulders upon which motorcycles may drive, under certain conditions.

Your Committee received testimony in support of this measure from the Department of Transportation, Street Bikers United Hawaii, Oahu Motorsports Association, Koa Puna, and seventy-one individuals.

Your Committee finds that the Legislature passed Act 218, Session Laws of Hawaii 2018 (Act 218), which authorized the Department of Transportation to designate certain road shoulders upon which motorcycles can drive, provided that the corridor is congested and motorcycle operators ride under ten miles per hour. Act 218 is scheduled to sunset on December 31, 2020. Your Committee further finds that Act 218 has been proven effective since it was enacted and has resulted in a number of benefits, including reducing risk of danger to lives and safety of motorcyclists. Accordingly, this measure makes Act 218 permanent.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2992 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3169 (Joint) Judiciary and Ways and Means on S.B. No. 410

The purpose and intent of this measure is to increase the fines imposed on drivers of vehicles who violate the pedestrians' right-of-way in crosswalks.

Your Committees received testimony in support of this measure from the Department of Transportation, Honolulu Police Department, Hawaii Bicycling League, and one individual.

Your Committees find that, according to the Fatality Analysis Reporting System, there were one hundred eight motor vehicle-related fatalities on Hawaii roadways in 2019, with thirty-four percent of those fatalities being pedestrians. This measure increases driver awareness and reduces pedestrian fatalities by doubling the existing civil penalties for drivers who violate the pedestrians' right-of-way in crosswalks.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 410 and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Harimoto, Inouye, Kahele, Taniguchi).

SCRep. 3170 (Joint) Judiciary and Ways and Means on S.B. No. 1256

The purpose and intent of this measure is to:

- (1) Amend the fines and strengthen criminal penalties for destroying or harvesting trees or tree products, including koa, on state forest reserve lands and add criminal penalties for violating laws or rules relating to forest reserves;
- (2) Decriminalize traffic infractions within forest reserves and set fine amounts; and
- (3) Repeal the general penalty provision in chapter 183, Hawaii Revised Statutes.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and one individual.

Your Committees find that the current fines for destroying or harvesting trees, including koa, on state forest reserve lands are inadequate compared to the current market value of the trees and the costs associated with restoration or replacement of the trees and damage caused by their destruction or harvest. An adjustment in fines is warranted to deter the illegal harvesting and destruction of natural resources within state forest reserves.

Your Committees further find that establishing a petty misdemeanor criminal penalty for certain conservation and resource violations strengthens the Department of Land and Natural Resources' enforcement capabilities and offers additional protection of the State's natural resources.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1256, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3171 (Joint) Judiciary and Ways and Means on S.B. No. 2257

The purpose and intent of this measure is to:

- (1) Require that a nominee to the State Public Charter School Commission be a resident of the State or be willing to relocate to the State; and
- (2) Provide that commission members may be reimbursed for necessary and reasonable travel expenses.

Your Committees received no testimony on this measure.

Your Committees find that the State Public Charter School Commission's mission is to authorize high-quality public charter schools throughout the State. Existing law sets minimum requirements for each nominee to the State Public Charter School Commission to ensure a long-term strategic vision for Hawaii's public charter schools. However, existing law remains silent in regard to a residency requirement for a nominee. Your Committees believe that in order to efficiently and effectively carry out the State Public Charter School Commission's mission, each nominee needs to reside in the State, or be willing to reside in the State, in order to foster availability, communication, and community engagement in Hawaii.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2257, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3172 (Joint) Judiciary and Ways and Means on S.B. No. 2271

The purpose and intent of this measure is to require the Department of Education school football programs to ensure that non-new football helmets and helmets purchased privately are recertified and reconditioned at least once every two years.

Your Committees received testimony in support of this measure from the Department of Education and two individuals.

Your Committees find that all new football helmets are certified to meet the performance standard set by the National Operating Committee for Sports Equipment when they leave the factory, but as they are used throughout a football season, their protection against concussion may deteriorate. Your Committees believe that all football helmets used in school football programs need to be reconditioned and recertified on a regular basis to ensure the quality of football helmets that are used by students. This measure will ensure the safety of student football athletes by requiring that all football helmets used in Department of Education football programs be reconditioned and recertified at least once every two years.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2271, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3173 (Joint) Judiciary and Ways and Means on S.B. No. 2476

The purpose and intent of this measure is to improve patient access to medical cannabis by authorizing naturopathic physicians with the same authority as physicians and advanced practice registered nurses to provide written certifications for qualified patients for the medical use of cannabis.

Your Committees received testimony in support of this measure from the Board of Naturopathic Medicine, Hawaii Society of Naturopathic Physicians, Klein Natural Health and Wellness Center, and fourteen individuals. Your Committees received comments on this measure from the Department of Health and Akamai Cannabis Clinic.

Your Committees find that naturopathic physicians are experts in botanical medicine and medicinal plant chemistry, safety, and efficacy. Botanical medicines comprise the bulk of prescriptions issued by naturopathic physicians from the naturopathic formulary, as determined by the Hawaii Board of Naturopathic Medicine. Medicinal cannabis is a botanical medicine with a significant variety of species and is available to patients in a number of different forms. In addition to their expertise in botanical medicine, naturopathic physicians are primary care physicians who manage prescriptions for many of their patients. Therefore, certifying patients for the use of medical cannabis falls within the scope of practice, education, and training of naturopathic physicians.

Your Committees further find that there are fewer than two hundred physicians and advanced practice registered nurses who have certified the twenty-seven thousand patients in Hawaii for the Medical Cannabis Program. There are approximately one hundred thirty-five naturopathic physicians with active licenses in Hawaii. Accordingly, authorizing naturopathic physicians to the list of providers eligible to certify patients for the Medical Cannabis Program would significantly increase access to health care and benefit Hawaii residents who may qualify for the medical use of cannabis.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2476, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3174 (Joint) Judiciary and Ways and Means on S.B. No. 2537

The purpose and intent of this measure is to:

- (1) Prohibit the obstruction of access to beaches; and
- (2) Establish a fine of \$100 for a first conviction of obstructing access to public property.

Your Committees received no testimony on this measure.

Your Committees find that existing law prohibits obstruction of access to public property by action or by having installed a physical impediment that intentionally prevents a member of the public from accessing the sea, shoreline, or any inland public recreational area. However, existing law falls short of specifically prohibiting the obstruction of access to beaches. This measure would prohibit obstructing access to beaches so that the public may enjoy the beaches in Hawaii.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2537, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3175 (Joint) Judiciary and Ways and Means on S.B. No. 2586

The purpose and intent of this measure is to permit qualifying patients to be reimbursed by health insurers, mutual benefit societies, and health maintenance organizations for amounts spent on medical cannabis and manufactured cannabis products.

Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs, Department of the Attorney General, Hawaii Employer-Union Health Benefits Trust Fund Board of Trustees, Hawaii Medical Service Association, and Akamai Cannabis Clinic.

Your Committees find that a legislative oversight working group was established by Act 230, Session Laws of Hawaii 2016, to develop and recommend legislation to improve the medical cannabis dispensary system in the State to ensure safe and legal access to medical cannabis for qualifying patients. One of the topics considered by the working group was the potential for medical cannabis to be reimbursable via health insurance and workers' compensation. Accordingly, Act 161, Session Laws of Hawaii 2018, established the Medical Cannabis Insurance Reimbursement Working Group to address the complexities surrounding the topic of making medical cannabis reimbursable by health insurance. The working group submitted a report of its findings prior to the convening of the Regular Session of 2019. This measure further promotes increased access to medical cannabis by allowing qualifying patients to receive reimbursement for medical cannabis and manufactured cannabis product expenses.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2586, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 10; Ayes with Reservations (Fevella). Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3176 (Joint) Judiciary and Ways and Means on S.B. No. 568

The purpose and intent of this measure is to eliminate gender or sex markers from limited purpose driver's licenses or limited purpose provisional driver's licenses.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, Hawai'i State Commission on the Status of Women, LGBT Caucus of the Democratic Party of Hawai'i, Pono Hawai'i Initiative, Planned Parenthood Votes Northwest and Hawaii, and eight individuals. Your Committees received comments on this measure from the Department of Transportation.

Your Committees find that Hawaii has the largest percentage of transgender individuals in the United States. Your Committees further find that gender and sex markers on state driver's licenses cause difficulty and invasive questioning in everyday transactions for the transgender community, and increase the likelihood of discrimination for transgender and gender non-conforming people when seeking employment, registering to vote, applying for insurance, interacting with law enforcement, opening a bank account, renting an apartment, and a variety of other activities. This measure allows transgender and gender-nonconforming individuals to avoid invasive questioning and discriminatory treatment by removing gender or sex markers from limited purpose driver's licenses and limited purpose provisional driver's licenses.

Your Committees have amended this measure by making it effective on October 1, 2020.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 568, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 568, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 10; Ayes with Reservations (Fevella). Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3177 (Joint) Judiciary and Ways and Means on S.B. No. 1253

The purpose and intent of this measure is to decriminalizes traffic infractions within natural area reserves, game management areas, wildlife sanctuaries, and public hunting areas.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources. Your Committee received testimony in opposition to this measure from one individual.

Your Committees find that Act 101, Session Laws of Hawaii 2008, decriminalized traffic violations within the state park system. This measure similarly decriminalizes traffic violations on lands managed by the Department of Land and Natural Resources' Division of Forestry and Wildlife to simplify the resolution of traffic violations occurring on those state lands, reduce efforts and resources expended to resolve minor traffic violations, and ensure that police, prosecutorial, and judicial resources are focused on the most serious criminal offenses.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1253, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1253, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3178 (Joint) Judiciary and Ways and Means on S.B. No. 1289

The purpose and intent of this measure, beginning on January 1, 2022, is to prohibit the issuance of a building permit for a new single-family dwelling that is part of a development of twenty or more dwellings and does not include a rooftop solar energy generation system, unless a variance is granted.

Your Committees received testimony in support of this measure from the Sierra Club of Hawai'i, Climate Protectors Coalition, Hawaii Solar Energy Association, Blue Planet Foundation, Sunpin Solar, 350Hawaii, and one individual. Your Committees received testimony in opposition to this measure from the Building Industry Association of Hawaii. Your Committees received comments on this measure from the Hawaii State Energy Office and Hawaiian Electric Company, Inc.

Your Committees find that Act 97, Session Laws of Hawaii 2015, set a statewide goal to reach one hundred percent renewable energy by 2045. Your Committees further find that the State has incentivized homeowners to install rooftop solar energy generation systems by providing a tax credit. Rooftop solar energy generation systems play an important role in achieving the State's renewable energy goals by the targeted goal. Your Committees believe that requiring rooftop solar energy generation systems on new single-family dwelling units during the construction phase significantly reduces the cost of installation for homeowners. This measure will increase the use of renewable energy, promote energy efficient construction, and decrease the use of imported fossil fuels by prohibiting the issuance of a building permit for certain single-family dwellings unless a rooftop solar energy generation system is installed.

Your Committees note that this measure does not define a rooftop solar energy generation system and that a legally-enforceable requirement needs to include a clear and consistent definition. Accordingly, your Committees recommend that in moving forward with this measure, pertinent stakeholders agree upon an appropriate definition for a rooftop solar energy generation system to ensure the enforceability of this measure.

Your Committees have amended this measure by inserting an effective date of June 18, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1289, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1289, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3179 (Joint) Judiciary and Ways and Means on S.B. No. 2005

The purpose and intent of this measure is to:

- (1) Require that any person who is eligible to vote and applies for a new or renewal motor vehicle driver's license, provisional license, or instruction permit, or a new, renewal, or duplicate identification card be automatically registered to vote, if that person is not already registered to vote, unless the applicant affirmatively declines to be registered to vote; and
- (2) Authorize access to and electronic transmission of databases maintained or operated by the counties or the Department of Transportation containing driver's license or identification card information to election officials and the statewide voter registration system.

Your Committees received testimony in support of this measure from the Department of Transportation, Office of Elections, Office of Hawaiian Affairs, Hawai'i County Clerk, Hawai'i Alliance of Nonprofit Organizations, Hawai'i Health & Harm Reduction Center, League of Women Voters, Hawaii Appleseed Center for Law and Economic Justice, Common Cause Hawaii, Automatic Voter Registration Hawaii Coalition, Americans for Democratic Action, Hawaii Women's Coalition, Community Alliance on Prisons, American Association of University Women of Hawaii, Hawai'i Public Health Institute, Planned Parenthood Votes Northwest and Hawaii, Zonta Club of Hilo, Faith Action for Community Equity, Pono Hawai'i Initiative, Pride at Work Hawaii, Hawai'i Community Foundation, LGBT Caucus of the Democratic Party of Hawai'i, and nine individuals.

Your Committees find that according to the United States Election Project, fewer than four in ten of Hawaii's voting-eligible population voted in the 2018 general election, yet again placing the State last in the nation. This measure not only increases opportunities for members of the community to register to vote, it also ensures the accuracy of the voter registration rolls by electronically transmitting voter registration data between the driver license and identification card database and the statewide voter registration system.

Your Committees have amended this measure by:

- (1) Deleting references to permanent absentee ballots throughout; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2005, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2005, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3180 (Joint/Majority) Judiciary and Ways and Means on S.B. No. 2043

The purpose and intent of this measure is to authorize the Hawaii Housing Finance and Development Corporation, Hawaii Community Development Authority, and Hawaii Public Housing Authority to sell leasehold units in residential condominiums located on state lands.

Your Committees received testimony in support of this measure from the Hawaii Public Housing Authority and Hawaii Community Development Authority. Your Committees received testimony in opposition to this measure from the Hawaii Housing Finance and Development Corporation. Your Committees received comments on this measure from the Department of Hawaiian Home Lands and Office of Hawaiian Affairs.

Your Committees find that Hawaii is generally acknowledged as one of the most expensive places to live in the nation. The severe shortage of affordable housing places an immense strain on many Hawaii families and residents. Your Committees further find that developing long-term leasehold condominiums on state lands would help to alleviate the State's housing shortage and aid in creating housing that may be affordable for generations to come.

Your Committees have amended this measure by:

- (1) Inserting an effective date of June 18, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2043, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2043, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 3. Noes, 1 (Fevella). Excused, 1 (Gabbard).

Ways and Means: Ayes, 9; Ayes with Reservations (Riviere). Noes, 1 (Fevella). Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3181 (Joint) Judiciary and Ways and Means on S.B. No. 2227

The purpose and intent of this measure is to:

- (1) Require that e-liquid and electronic smoking devices be included within the definition of "tobacco products", as used in the cigarette tax and tobacco tax law;
- (2) Increase the license fee for persons engaged as a wholesaler or dealer of cigarettes and tobacco products;
- (3) Increase the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products;
- (4) Allocate a portion of funds collected on excise taxes on tobacco products to fund health education, prevention, and nicotine cessation programs for youth regarding the risks and dangers of the use of electronic smoking devices; and
- (5) Repeal certain provisions of the Hawaii Revised Statutes relating to electronic smoking devices.

Your Committees received testimony in support of this measure from the Department of Taxation; Department of Health; Hawaii Youth Services Network; American Heart Association; Hawaii Substance Abuse Coalition; Coalition for a Drug-Free Hawaii; Hawaii Primary Care Association; Kapi'olani Smokefree Families; American Academy of Pediatrics, Hawaii Chapter; Keiki Injury Prevention Coalition; Ka'u Rural Health Community Association, Inc.; Hawaii Public Health Institute; Coalition for a Tobacco-Free Hawai'i; Hawaii State Teachers Association; We Are One, Inc.; Hui No Ke Ola Pono; Hawai'i Pacific Health; Holy Nativity School; Pediatric Therapies Hawaii; Kaho'omiki; American Cancer Society Cancer Action Network; and thirty-three individuals. Your Committees received testimony in opposition to this measure from sixteen individuals. Your Committees received comments on this measure from the Tax Foundation of Hawaii and Hawaii Food Industry Association.

Your Committees find that between 2011 to 2015, the use of electronic smoking devices by Hawaii's youth increased six-fold among middle school youth and four-fold among high school youth. This is particularly concerning considering the Surgeon General's warning about the dangers of vaping. This measure provides protection for consumers through further regulation and dedicates revenue to fund a prevention program as an essential step to help youth, who will become future adults, to quit or sustain their cessation of electronic smoking devices.

Your Committees have amended this measure by:

- (1) Providing that it shall be unlawful for any person other than a licensed tobacco retailer to receive any shipment of e-liquids or electronic smoking devices;
- (2) Inserting a blank dollar amount to be deposited to the credit of the Hawaii Tobacco Prevention and Control Trust Fund to establish a comprehensive youth tobacco cessation program to fund health education, prevention, and nicotine cessation programs about the risks and dangers of the use of electronic smoking devices for youth;
- (3) Inserting an effective date of June 18, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2227, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2227, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3182 (Joint) Judiciary and Ways and Means on S.B. No. 2307

The purpose and intent of this measure is to require that all state and state funded facilities have internet computer and wireless access filters to restrict access to pornography sites, except for the Department of the Attorney General and state-owned housing and dormitories.

Your Committees received testimony in support of this measure from the Department of Transportation, Department of Education, and Hawaii Public Library System.

Your Committees find that the internet of today is full of pornographic content and the Children's Internet Protection Act requires all public schools and libraries receiving federal funds and providing internet access to use filters that restrict people from accessing pornography at those sites. This measure would require that all state offices and public facilities have internet computer and wireless access filters to restrict access to pornography sites.

Your Committees have amended this measure by:

- (1) Allowing the Department of the Attorney General to approve exemptions for good cause;
- (2) Exempting those state offices and public facilities where exceptions are consistent with their written internet policy; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2307, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2307, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3183 (Joint) Judiciary and Ways and Means on S.B. No. 2310

The purpose and intent of this measure is to:

- (1) Require certain amounts of child support monies collected by the Department of Human Services for public assistance of a child to pass through to the family receiving public assistance;
- (2) Require the Department of Human Services to disregard passed through child support payments when calculating the income of an applicant for or recipient of public assistance; and
- (3) Increase the maximum fine for an employer who discharges from employment, refuses to employ, or takes disciplinary action against any noncustodial parent subject to income withholding or who fails to comply with an order of assignment of future income to pay child support.

Your Committees received testimony in support of this measure from the Department of Human Services, Department of the Attorney General, Hawaii Children's Action Network Speaks!, Hawaii Appleseed Center for Law and Economic Justice, American Association of University Women of Hawaii, and Zonta Club of Hilo.

Your Committees find that under existing law non-custodial parents must pay child support to the State of Hawaii up to the amount of Temporary Assistance for Needy Families (TANF) benefits paid. The State keeps a portion of that money and passes on the rest to the federal government as reimbursement for providing TANF assistance. This measure would allow the custodial parents to retain a higher amount of the child support payment.

Your Committees have amended this measure by inserting an effective date of June 18, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2310, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2310, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3184 (Joint) Judiciary and Ways and Means on S.B. No. 2391

The purpose and intent of this measure is to:

- (1) Allow the Hawaiian Homes Commission or the Department of Hawaiian Home Lands to retain independent legal counsel as needed;
- (2) Authorize the Hawaiian Homes Commission and the Department of Hawaiian Home Lands to use the services of the Attorney General as needed and when the interests of the State, Hawaiian Homes Commission, and the Department of Hawaiian Home Lands are aligned; and
- (3) Provide that funds paid to independent legal counsel shall be paid by the State.

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands and three individuals. Your Committees received testimony in opposition to this measure from the Department of the Attorney General.

Your Committees find that the Hawaiian Homes Commission and Department of Hawaiian Home Lands have a trust duty to their beneficiaries and in the fulfillment of this trust obligation, the Hawaiian Homes Commission and Department of Hawaiian Home Lands may at times be at odds with the interests of the State. It is at these times that the Hawaiian Homes Commission and Department of Hawaiian Home Lands must be assured that they receive legal counsel strictly in the interest of their beneficiary clients. This measure will allow the Hawaiian Homes Commission and Department of Hawaiian Home Lands to retain independent counsel when their interests are not aligned with the State to avoid any potential conflict of interest or breach of fiduciary duty.

Your Committees have amended this measure by:

- (1) Deleting language that would have authorized the Hawaiian Homes Commission and the Department of Hawaiian Home Lands to use the services of the Attorney General as needed and when the interests of the State, Hawaiian Homes Commission, and the Department of Hawaiian Home Lands are aligned;
- (2) Deleting language that would have provided that funds paid to independent legal counsel shall be paid by the State; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2391, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2391, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4; Ayes with Reservations (Kim). Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3185 (Joint) Judiciary and Ways and Means on S.B. No. 3055

The purpose and intent of this measure is to prohibit a retailer from selling or offering for sale combustion engine-powered mopeds beginning January 1, 2022.

Your Committees received testimony in support of this measure from the Department of Transportation.

Your Committees find that combustion engine-powered mopeds contribute to noise pollution that is a serious problem affecting quality of life, particularly in urban areas. As a result, several cities around the world have started to phase out internal combustion engine mopeds for clean and quiet electric mopeds. This measure bans the sale of new combustion engine-powered mopeds by retailers beginning January 1, 2022.

Your Committees have amended this measure by:

- (1) Clarifying that combustion engine-powered mopeds that were initially purchased prior to January 1, 2022, are exempt;
- (2) Inserting a fine amount of \$1,000;
- (3) Updating the purposes section;
- (4) Inserting an effective date of June 18, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3055, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 3055, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 9; Ayes with Reservations (Riviere). Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

SCRep. 3186 (Joint) Judiciary and Commerce, Consumer Protection, and Health on S.B. No. 2671

The purpose and intent of this measure is to require that mandatory seller disclosures in real estate transactions include identification of residential real properties lying within the sea level rise exposure area as officially designated by the Hawaii Climate Change Mitigation and Adaptation Commission.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Hawaii Climate Change Mitigation and Adaptation Commission; Office of Climate Change, Sustainability and Resiliency of the City and County of Honolulu; Office of Economic Development of the County of Maui; Sierra Club of Hawai'i; Pono Hawai'i Initiative; IMUAlliance; League of Women Voters; and five individuals. Your Committees received comments on this measure from the Hawai'i Association of REALTORS®.

Your Committees find that oceanfront property is often vulnerable to hazards, such as coastal erosion and flooding from tsunamis, storms, and high waves. These hazards can be exacerbated by sea level rise. Your Committees also find that in December 2017, the Hawaii Climate Change Mitigation and Adaptation Commission accepted the Hawaii Sea Level Rise Vulnerability and Adaptation Report (SLR Report). The first recommendation of the SLR Report is to recognize the SLR-XA (Sea Level Rise Exposure Area) as a statewide vulnerability zone. The SLR-XA demonstrates the extent of the potential exposure of land and structures to flooding and erosion with an increase of 0.5, 1.1, 2.0, and 3.2 feet of sea level rise throughout the State. Your Committees believe that sea level rise is a concern for all real property owners, not only oceanfront property owners. This measure requires seller disclosures in real estate transactions in such areas to enable property purchasers and transferees to better understand the special hazards, permitting requirements, and limitations that may affect the property.

Your Committees have amended this measure by making it effective on November 1, 2020.

As affirmed by the records of votes of the members of your Committees on Judiciary and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2671, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2671, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Thielen).

SCRep. 3187 Ways and Means on S.B. No. 3014

The purpose and intent of this measure is to expand child care options for parents and increase the number of high-quality early childhood programs.

More specifically, this measure:

- (1) Establishes an income tax credit for employers who create on-site early childhood facilities; and
- (2) Establishes and appropriates funds for an on-site early childhood facility coordinator position.

Your Committee received written comments in support of this measure from Early Childhood Action Strategy, Hawaii Community Foundation, and Hawaiian Electric Company, Inc.

Your Committee received comments on this measure from the Department of Taxation, Department of Human Services, and Executive Office on Early Learning.

Your Committee finds that the cost of child care in Hawaii is among the highest in the nation. Your Committee also finds that employers who create on-site early childhood facilities see greater employee retention and performance, lower absenteeism, and a more productive and positive workplace environment. Your Committee further finds that having access to on-site early childhood facilities at workplaces may help parents to address concerns of child care costs and provide more opportunities for access to early childhood learning programs.

Your Committee has amended this measure by:

- (1) Clarifying that the aggregate cap of the tax credit established by this measure shall be administered on a basis of taxable years, rather than fiscal years;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3014, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3014, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3188 Ways and Means on S.B. No. 3076

The purpose and intent of this measure is to establish and appropriate moneys for full-time State Building Code Council employees.

Your Committee received written comments in support of this measure from the Hawaii Emergency Management Agency; Hawaii State Energy Office; Hawaii State Fire Council; County of Kauai; Department of Public Works of the County of Hawaii; Maui Fire Department; Blue Planet Foundation; and Hawaii Laborer's Union, Local 368.

Your Committee finds that providing the State Building Code Council with full-time staff will facilitate the process of updating and adopting uniform building codes in the State.

Your Committee has amended this measure by:

- (1) Changing the appropriation from \$400,000 to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3076, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3076, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 9; Ayes with Reservations (Fevella). Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3189 Ways and Means on S.B. No. 3117

The purpose and intent of this measure is to extend to December 31, 2021, both the Emergency Department Homelessness Assessment Pilot Program and the Medical Respite Pilot Program.

Your Committee received written comments in support of this measure from the Governor's Coordinator on Homelessness, The Queen's Health Systems, Democratic Party of Hawaii, Hawaii Disability Rights Center, and two individuals.

Your Committee received written comments on this measure from the Department of Human Services.

Your Committee finds that extending both the Emergency Department Homelessness Assessment Pilot Program and the Medical Respite Pilot Program will further improve the health and well-being of the State's homeless population.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3117, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3117, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3190 (Majority) Ways and Means on S.B. No. 2663

The purpose and intent of this measure is to ensure that the State's environmental review process accurately and timely protects impacted communities.

Specifically, the measure requires, with respect to an unimplemented action proposed under the environmental review provisions of section 343-5, Hawaii Revised Statutes, the preparation of:

- (1) A supplemental environmental assessment after the passage of fifteen years from the date of the determination of a finding of no significant impact; and
- (2) A supplemental environmental impact statement after the passage of fifteen years from the date of the acceptance of the statement.

Your Committee received written comments in support of this measure from one individual.

Written comments in opposition were received from the Office of Planning.

The Maui Chamber of Commerce submitted written comments on the measure.

Your Committee finds that a finite "shelf life" or period of validity for environmental assessments and environmental impact statements will help to provide more certainty and clarity for proposed projects. However, your Committee also finds that, in furtherance of the Governor's stated renewable energy goals, an exemption for actions involving renewable energy projects is warranted and that this narrow exemption will result in a net benefit for the people of Hawaii.

Accordingly, your Committee has amended this measure by:

- (1) Specifying that the requirement for a supplemental environmental assessment or environmental impact statement does not apply to an action involving a renewable energy project;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2663, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2663, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9; Ayes with Reservations (Harimoto, Riviere, Fevella). Noes, 1 (Moriwaki). Excused, 3 (English, Kahele, Shimabukuro).

SCRep. 3191 Ways and Means on S.B. No. 2690

The purpose and intent of this measure is to appropriate funds to the University of Hawaii Maui College's Office of International and Regional Partnerships to subsidize travel expenses and tuition for students who wish to study abroad.

Your Committee received written comments in support of this measure from the Maui County Council.

Your Committee finds that studying abroad helps students gain foreign language skills and cross-cultural competence and fosters meaningful relationships in an increasingly globalized world. Accordingly, this measure will provide additional means for college students to take advantage of opportunities to study abroad.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2690, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2690, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3192 Ways and Means on S.B. No. 2730

The purpose and intent of this measure is to appropriate moneys to the College of Tropical Agriculture and Human Resources at the University of Hawaii for research, development, marketing, and conservation of ulu.

Your Committee received written comments in support of this measure from the Department of Agriculture, Hawaii Farm Bureau, Hawaii Food Industry Association, and Meadow Gold Dairies.

Your Committee finds that the moneys appropriated by this measure will help to increase the production and viability of ulu, a culturally important and increasingly popular Hawaiian food source.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2730, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2730, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3193 Ways and Means on S.B. No. 2866

The purpose and intent of this measure is to require that new retired employees or their surviving employee beneficiaries pay their share of health benefit premiums through monthly electronic deductions from their Employees' Retirement System pensions or their financial institutions.

Your Committee received written comments in support of this measure from the Hawaii Employer-Union Health Benefits Trust Fund and one individual.

Your Committee received written comments on this measure from the Employees' Retirement System.

Your Committee finds that monthly recurring electronic deductions of retiree premiums from their bank accounts or their Employees' Retirement System pensions will reduce administrative time and costs and protect retirees from a termination of benefits if they neglect to make payments.

Your Committee has amended this measure by:

- (1) Correcting the text of section 87A-40, Hawaii Revised Statutes, for consistency with the printed version and adjusting the draft to comport with accepted drafting conventions;
- (2) Making conforming amendments to section 88-95, Hawaii Revised Statutes;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2866, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2866, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3194 Ways and Means on S.B. No. 2871

The purpose and intent of this measure is to authorize the Contractors License Board and the Real Estate Commission to make findings and adjustments of recovery fund and education fund fees when fund levels are adequate to carry out the statutory mandates for which the funds were created.

Your Committee received written comments in support of this measure from the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs, Real Estate Commission of the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs, Associa, Community Associations Institute Legislative Action Committee, and General Contractors Association of Hawaii.

Your Committee finds that this measure will ensure that the respective funds are regulated in a manner such that consumers do not overpay for the services that the fees are meant to address.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and

- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2871, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2871, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3195 Ways and Means on S.B. No. 2891

The purpose and intent of this measure is to require the Office of Youth Services to provide commercial enterprise vocational programs for young adults.

More specifically, this measure:

- (1) Establishes the Office of Youth Services revolving fund;
- (2) Establishes requirements regarding, and permits certain activities relating to, the Office of Youth Services' commercial enterprise vocational programs;
- (3) Clarifies the types of programs that the Office of Youth Services is required to provide, including commercial enterprise vocational programs to promote self-sustainability in young adults;
- (4) Clarifies the required contents of the Executive Director of the Office of Youth Services' annual reports to the Legislature; and
- (5) Appropriates moneys to implement the requirements of the measure.

Your Committee received written comments in support of this measure from the Department of Human Services, Office of Hawaiian Affairs, Community Alliance on Prisons, and one individual.

Your Committee finds that offering commercial enterprise vocational programs to young adults will prepare these young adults for entry into the workforce by providing opportunities to build skills and receive vocational training.

Your Committee has amended this measure by:

- (1) Adding a definition of the term "commercial enterprise vocational program" to section 352D-3, Hawaii Revised Statutes;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2891, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2891, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3196 Ways and Means on S.B. No. 2899

The purpose and intent of this measure is to provide the Department of Health with the authority to determine the appropriate expenditure ceiling for the civil monetary penalty special fund under its control.

Specifically, the measure:

- (1) Repeals the \$30,000 annual spending ceiling for moneys in the civil monetary penalty special fund, to align with the federal civil money penalty reinvestment program; and
- (2) Allows the Department of Health to establish an appropriate spending ceiling through the state budget process.

Your Committee received written comments in support of this measure from the Department of Health and the Healthcare Association of Hawaii.

Your Committee finds that the removal of the civil monetary penalty special fund's annual spending ceiling will allow the Department of Health more flexibility in reinvesting moneys from the fund toward federally approved projects that benefit nursing home residents and that protect or improve the residents' quality of care or quality of life.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2899, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2899, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3197 Ways and Means on S.B. No. 2052

The purpose and intent of this measure is to allow certain early childhood education professionals to participate in the Hawaii Educator Loan Program.

More specifically, this measure:

- (1) Allows students who agree to teach full-time at early childhood education centers or facilities for a specified length of time to participate in the Hawaii Educator Loan Program;
- (2) Changes the criteria for determining the amount of a Hawaii Educator Loan Program recipient's loan award and interest that will be waived each year; and
- (3) Appropriates moneys to the University of Hawaii to provide loan forgiveness to early childhood education professionals.

Your Committee received written comments in support of this measure from the Executive Office on Early Learning, Hawaii Teacher Standards Board, Democratic Party of Hawaii Education Caucus, Early Childhood Action Strategy, Early Learning Board, Hawai'i Children's Action Network Speaks!, Hawaii State Teachers Association, Kamehameha Schools, and three individuals.

Your Committee received written comments on this measure from the Department of Human Services and University of Hawaii.

Your Committee finds that encouraging the development of early childhood education professionals will ensure that Hawaii's students receive an educational foundation that will help to prevent these students from being inappropriately referred to special education or engaging in activities that could lead to suspensions or expulsions.

Your Committee has amended this measure by:

- (1) Clarifying that the following persons may participate in the Hawaii Educator Loan Program:
 - (A) Students who agree to teach at Hawaii public schools and are placed in teaching positions that are not in an area that is relevant to the teacher's academic major; and
 - (B) Students who agree to teach at an early childhood education center or facility that is participating in the Executive Office on Early Learning's Public Prekindergarten Program;
- (2) Establishing the maximum amount of total loan forgiveness that the Hawaii Educator Loan Program will provide to a recipient;
- (3) Excluding from this measure existing loans under the Hawaii Educator Loan Program; and
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2052, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2052, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Shimabukuro).

SCRep. 3198 Ways and Means on S.B. No. 2060

The purpose and intent of this measure is to further protect the State's coastal areas and resources against the impacts of sea level rise and coastal erosion.

More specifically, this measure:

- (1) Amends the objectives and policies of the Coastal Zone Management Program to further address the impacts of climate change and sea level rise on the State's coastal resources;
- (2) Amends the list of activities that are excluded from the definition of "development" in section 205A-22, Hawaii Revised Statutes;
- (3) Requires proposed developments in special management areas to comply with community plans;
- (4) Increases the minimum shoreline setback;
- (5) Excepts from public hearing requirements variance applications for the protection of certain legal structures and public facilities pursuant to an emergency authorization issued by the applicable county planning commission;
- (6) Prohibits the granting of variances to artificially fix the shoreline in certain areas with sand beaches or recreational and waterline activities;
- (7) Designates the Department of Education as a state agency with responsibilities relating to marine and coastal zone management; and
- (8) Requires the Hawaii Climate Change Mitigation and Adaptation Commission to submit a proposal for a state supplemental insurance program for certain properties that are susceptible to the impacts of climate change.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Hawaii Climate Change Mitigation and Adaptation Commission, Office of Planning, Hawaii Youth Climate Coalition, Pono Hawai'i Initiative, Sierra Club, and numerous individuals.

Your Committee finds that in order to properly reduce the State's exposure to coastal hazards and protect the State's coastal resources from the impacts of climate change and sea level rise, it is necessary to improve and enhance the coastal zone management program.

Your Committee has amended this measure by:

- (1) Amending section 205A-1, Hawaii Revised Statutes, to add a definition of the term "beach";
- (2) Amending the list of exclusions from the definition of "development" in section 205A-22, Hawaii Revised Statutes, to include construction or reconstruction of single family residences not situated on a shoreline parcel and nonstructural improvements to noncommercial structures;
- (3) Requiring the director of the applicable county planning department to determine whether to exclude from the definition of "development" in section 205A-22, Hawaii Revised Statutes, proposed uses, activities, and operations;
- (4) Changing the statewide public notice requirement for county hearings on special management area use permits to require that the notice be circulated at least throughout the county;
- (5) With regard to certain shoreline structures that are exempt from having to obtain a variance, prohibiting:
 - (A) Reconstruction of eligible boating, maritime, or watersports recreational facilities; and
 - (B) Rebuilding or replacement of the structures;
- (6) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (7) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2060, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2060, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3199 Ways and Means on S.B. No. 2082

The purpose and intent of this measure is to appropriate funds for the University of Hawaii College of Tropical Agriculture and Human Resources to develop or identify substitutes for invasive plant species that are routinely used in landscaping.

Your Committee received written comments in support of this measure from the Department of Agriculture, Department of Land and Natural Resources, University of Hawaii System, Hawaii Farm Bureau, and one individual.

Your Committee received written comments on this measure from one individual.

Your Committee finds that invasive species plants are a threat to the State's agriculture, environment, and economy. Your Committee further finds that the research funded by this measure will reduce the number of invasive plants used in landscaping by identifying non-invasive alternatives.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2082, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2082, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (English, Kahele, Shimabukuro).

SCRep. 3200 Ways and Means on S.B. No. 2459

The purpose and intent of this measure is to appropriate funds to the Department of Human Services to restore diagnostic, preventive, and restorative dental benefits to adult medicaid enrollees.

Your Committee received written comments in support of this measure from the State Council on Developmental Disabilities, Hawaii State Rural Health Association, AARP Hawaii, AlohaCare, Catholic Charities Hawaii, Hana Health, Hawaii - American Nurses Association, Hawaii Children's Action Network Speaks!, Hawaii Dental Service, Hawaii Disability Rights Center, Hawaii Oral Health Coalition, Hawaii Public Health Institute, Hawaii Health and Harm Reduction Center, Hoola Lahui Hawaii, Hui No Ke Ola Pono, Kalihi Kokua Valley Comprehensive Family Services, Ohana Health Plan, Pono Hawaii Initiative, The Queen's Health Systems, West Hawaii Community Health Center, Easterseals Hawaii, Hawaii Appleseed Center for Law & Economic Justice, and nine individuals.

Your Committee received written comments on this measure from the Department of Human Services.

Your Committee finds that among the Medicaid programs that need funding are those that provide dental benefits to adults. Your Committee recognizes that poor oral health is connected with respiratory disease, cardiovascular disease, and diabetes and that dental diseases contribute to cardiac issues and premature births. Your Committee also finds that dental problems may affect the ability of

individuals to obtain and maintain employment. Accordingly, your Committee believes that it is in the best interests of the State to ensure that its residents have access to dental health care.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2459, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2459, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (English, Harimoto, Inouye, Kahele, Shimabukuro).

SCRep. 3201 Ways and Means on S.B. No. 2469

The purpose and intent of this measure is to appropriate funds for purchasing, staffing, and operating two mobile clinics to serve homeless individuals; provided that one of the mobile clinics is allocated to the county with the largest land mass.

Your Committee received written comments in support of this measure from the Governor's Coordinator on Homelessness, Hawaii County Council, Mayor of the County of Hawaii, and Democratic Party of Hawaii.

Your Committee received written comments on this measure from the Department of Human Services.

Your Committee finds that the delivery of behavioral health and substance abuse services through mobile clinics will complement and strengthen existing services, especially for rural areas that lack public transportation and a nearby health center.

Your Committee has amended this measure by:

- (1) Setting forth the requirements of the program and the appropriation for that program in separate sections to comport with accepted drafting conventions;
- (2) Clarifying that mobile clinics shall provide certain listed services;
- (3) Deleting a provision specifying that procurements for mobile clinics are subject to Chapters 103D and 103F, Hawaii Revised Statutes, since the procurement code automatically applies to expenditure of the funds;
- (4) Changing the appropriation to an unspecified amount;
- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (6) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2469, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2469, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3202 Ways and Means on S.B. No. 2625

The purpose and intent of this measure is to establish and appropriate moneys for an affordable homeownership revolving fund to provide loans to nonprofit institutions for the development of affordable homeownership housing projects.

Your Committee received written comments in support of this measure from the Mayor of the County of Hawaii; County of Hawaii Office of Housing and Community Development; Kohala Coast Resort Association; Catholic Charities Hawaii; Hawaii Kai Homeless Task Force; HOPE Services Hawaii, Inc.; IMUA Alliance; Faith Action for Community Equity; Parents And Children Together; Habitat for Humanity Maui; Hawaiian Community Assets and Hawaii Community Lending; and Hawaii Children's Action Network Speaks!.

Your Committee received written comments on this measure from the Hawaii Housing Finance and Development Corporation and Department of Budget and Finance.

Your Committee finds that Hawaii has the third-lowest rate of homeownership of any state in the nation. Your Committee believes that because homeownership is positively correlated with economic and social stability, it is appropriate for the State to advance opportunities for homeownership.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2625, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2625, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3203 Ways and Means on S.B. No. 2627

The purpose and intent of this measure is to adjust the eligibility requirements for the income tax credit for low-income household renters.

Specifically, this measure:

- (1) Sets the tax credit amount based on adjusted gross income and filing status, phasing out the credit as the taxpayer's income rises;
- (2) Establishes a maximum tax credit of \$200 per exemption; and
- (3) Automatically adjusts the tax credit in future years according to increases in the United States Department of Labor consumer price index.

Your Committee received written comments in support of this measure from the League of Women Voters Hawaii, Americans for Democratic Action Hawaii, LGBT Caucus of the Democratic Party of Hawaii, Hawaii Alliance for Community-Based Economic Development, Hawaii Children's Action Network Speaks!, Our Revolution Hawaii, Hawaii Appleseed Center for Law and Economic Justice, IMUA Alliance, Hawaii Government Employees Association, and three individuals.

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that this measure provides a needed adjustment to the eligibility requirements for the income tax credit for low-income household renters, as the cost of housing in the State has increased by three hundred ninety per cent since the income eligibility threshold for this credit was last adjusted in 1989.

Your Committee has amended this measure by:

- (1) Changing the annual adjustment to the income tax credit to be based on consumer price index data from the month of June;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2627, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2627, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3204 Judiciary on S.B. No. 2539

The purpose and intent of this measure is to:

- (1) Require health insurers, mutual benefit societies, and health maintenance organizations to provide coverage for a comprehensive category of reproductive health services, drugs, devices, products, and procedures; and
- (2) Prohibit discrimination in the provision of reproductive health care services.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women; Hawaii Women's Coalition; Planned Parenthood Votes Northwest and Hawaii; LGBT Caucus of the Democratic Party of Hawaii; Save Medicaid Hawaii; American Association of University Women of Hawaii; We Are One, Inc.; Common Cause Hawaii; Community Alliance on Prisons; Pono Hawai'i Initiative; American College of Obstetricians and Gynecologists; Hawai'i Children's Action Network Speaks!; Women's Caucus of the Democratic Party of Hawaii; and five individuals. Your Committee received testimony in opposition to this measure from the Hawaii Family Forum and Roman Catholic Church in the State of Hawaii. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Department of the Attorney General, Hawai'i Civil Rights Commission, Hawaii Medical Service Association, Hawaii Primary Care Association, Kaiser Permanente Hawaii, Hawaii Association of Health Plans, and American Civil Liberties Union of Hawai'i.

Your Committee finds that gaps in coverage and reproductive health care exist despite the State's long-time advocacy for the advancement of reproductive rights. Comprehensive sexual and reproductive health care, without discrimination, is essential for the health and economic security of the people of Hawaii. This measure would ensure comprehensive coverage for the full spectrum of sexual and reproductive health care services, including family planning and abortion, for all of Hawaii's people.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2539, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3205 Judiciary on S.B. No. 2631

The purpose and intent of this measure is to permit judicial discretion to refer a defendant to a diversion program or treatment court when the judge has reason to believe that the defendant has an untreated serious and persistent mental health illness that does not meet the criteria of section 704-404, Hawaii Revised Statutes, and after conferring with counsel.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii State Judiciary, Hawaii Substance Abuse Coalition, and Hawai'i Psychological Association.

Your Committee finds that section 704-404, Hawaii Revised Statutes, provides procedures for whenever there is reason to doubt a defendant's fitness to proceed in prosecution proceedings. Your Committee further finds that a defendant may have an untreated, serious, and persistent mental health illness that does not meet the criteria to exclude fitness to proceed, but may still render the defendant at a disadvantage in support of their due process rights. This measure provides an alternative option for judges to use at their discretion and after consultation with counsel to ensure fairness in criminal proceedings.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2631, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3206 Ways and Means on S.B. No. 2370

The purpose and intent of this measure is to statutorily designate January as "Kalaupapa month."

Your Committee received written comments in support of this measure from Ka Ohana O Kalaupapa and fourteen individuals.

Your Committee finds that January is a significant month in the history of Kalaupapa peninsula on the island of Molokai, which includes: the arrival of the first leprosy patients in January 1866; the respective births of Mother Marianne and Father Damien in January 1838 and January 1840, who dedicated their lives to serving persons affected by leprosy; the January births of patients and eventual community leaders such as resident superintendent Ambrose Hutchison; and the modern observance, since 2014, of "Kalaupapa Sunday" on the fourth Sunday of each January. Accordingly, your Committee finds that the designation of January as "Kalaupapa month" is a fitting commemoration of Kalaupapa's importance and its contributions to the State.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2370, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3207 Ways and Means on S.B. No. 2641

The purpose and intent of this measure is to adjust the method of calculating average weekly wages for workers' compensation claims by removing reference to the time of injury.

Your Committee received written comments in support of this measure from Hawaii Iron Workers Local 625, ILWU Local 142, LGBT Caucus of the Democratic Party of Hawaii, and Pride @ Work - Hawaii.

Your Committee received written comments in opposition to this measure from the Department of Labor and Industrial Relations, Chamber of Commerce Hawaii, and Hawaii Insurers Council.

Your Committee finds that this measure will enable the calculation of average weekly wages to be based upon a salary or wage rate applicable at the time of treatment or determination of a compensation award, which may take place months or years after the time of injury, thereby providing more equitable support for workers and their families.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2641, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3208 Judiciary on S.B. No. 2273

The purpose and intent of this measure is to:

- (1) Require developers to provide a notice to purchasers of time share interests of any material change or pertinent change in the information in the current disclosure statement; and
- (2) Provide purchasers of time share interests rescission rights for material changes made to the disclosure statement prior to closing.

Your Committee received testimony in support of this measure from the Kohala Coast Resort Association, American Resort Development Association-Hawaii, Marriott Vacations Worldwide Corporation, and two individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs' Professional and Vocational Licensing Division.

Your Committee finds that existing law provides purchasers of condominiums with the right to rescind when material changes have been made to the condominium public reports after a sales contract becomes binding; however, there are no laws that provide purchasers of time share interests with rescission rights under similar circumstances. This measure grants similar protections enjoyed by condominium purchasers to time share purchasers.

Your Committee has amended this measure by:

- (1) Specifying that in all cases other than new sales, the notice of change shall be provided by certified mail; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2273, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2273, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3209 Judiciary on S.B. No. 2554

The purpose and intent of this measure is to:

- (1) Require the Department of Labor and Industrial Relations to provide employers, employees, and the general public with information with respect to rendering seizure first aid; and
- (2) Require all employers to post the seizure first aid information provided by the Department of Labor and Industrial Relations in a prominent position in the employer's workplace.

Your Committee received testimony in support of this measure from the Epilepsy Foundation Hawaii and two individuals. Your Committee received testimony in opposition to this measure from the Department of Labor and Industrial Relations.

Your Committee finds that as of 2019, nearly fourteen thousand people in the State of Hawaii and over 3,400,000 in the United States are living with epilepsy, and an additional ten percent of the population will experience a non-epileptic seizure in their lifetime. This measure would ensure that information is available to members of the community regarding how to render first aid in the event of a seizure.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2554, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2554, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3210 Ways and Means on S.B. No. 2291

The purpose and intent of this measure is to establish a refundable tax credit for business-supported child care that is equal to a percentage of a taxpayer's eligible business child care expenses.

Your Committee received written comments in support of this measure from the Early Learning Board and Hawaii Children's Action Network Speaks!.

Your Committee received written comments on this measure from the Department of Taxation, Executive Office on Early Learning, and Tax Foundation of Hawaii.

Your Committee finds that this measure provides an incentive for employers to address employee child care needs by offering an income tax credit, thereby expanding access to affordable, high-quality child care options to the families of young children in the State.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2291, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2291, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3211 Ways and Means on S.B. No. 2379

The purpose and intent of this measure is to require the University of Hawaii Sea Grant College Program to develop and conduct a comprehensive statewide outreach program on sewage contamination and cesspool conversion and appropriate funds for this purpose.

Additionally, this measure requires and appropriates funds for the University of Hawaii Water Resources Research Center to conduct research on wastewater system technologies for cesspool upgrades and the reduction of cesspool impacts upon drinking water and groundwater.

Your Committee received written comments in support of this measure from the Department of Health, Hawaii County Council, Ulupono Initiative, and three individuals.

Your Committee received written comments on this measure from the University of Hawaii and the Mayor's Office of the County of Hawaii.

Your Committee finds that the State has over eighty-eight thousand cesspools statewide that discharge more than fifty-three million gallons of untreated sewage into the State's waters every day, creating major health and environmental risks to the State's drinking

water and groundwater. This measure will increase public awareness for cesspool conversions and move the State toward environmentally-friendly solutions for waste management.

Your Committee has amended this measure by:

- (1) Changing the appropriations to unspecified amounts; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2379, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2379, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (English, Kahele, Shimabukuro).

SCRep. 3212 Ways and Means on S.B. No. 2417

The purpose and intent of this measure is to recognize the importance of the State's natural resources.

Specifically, this measure requires:

- (1) The Department of Land and Natural Resources to recognize that:
 - (A) Game mammals and game birds can provide a sustainable food source when properly managed in appropriate areas; and
 - (B) The State's unique relationship with the ocean requires careful consideration and management of land and ocean activities that prioritize the public trust responsibilities of the State;
- (2) Each department, office, or agency of the State to update its rules and policies to integrate the local hunting and fishing industries into any food security or sustainability strategies that the department, office, or agency employs; and
- (3) The head of each principal department of the State to submit to the Legislature reports on the progress of that department, and any agency administratively attached to that department, in updating its rules and policies.

Your Committee received written comments in support of this measure from the Hawaii Hunting Association, Hawaii County Game Management Advisory Commission, and numerous individuals.

Your Committee received written comments on this measure from the Department of Land and Natural Resources and Office of Hawaiian Affairs.

Your Committee finds that hunting and fishing provide food for many people in the State. Your Committee further finds that game mammals must be properly managed to minimize their impacts on sensitive watershed areas.

Your Committee has amended this measure by:

- (1) Clarifying that the updated rules and policies established pursuant to the measure shall be consistent with section 183D-2, Hawaii Revised Statutes;
- (2) Correcting an internal cross-reference;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2417, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2417, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3213 Ways and Means on S.B. No. 2473

The purpose and intent of this measure is to appropriate moneys for the planning and design of a professional training facility for guide dogs and other professionally trained career dogs within the State.

Your Committee received written comments in support of this measure from the Department of Human Services, Department of Agriculture, and one individual.

Your Committee finds that professionally trained guide dogs assist Hawaii's blind and visually impaired residents in attaining and maintaining employment and give those residents greater independence and mobility. Accordingly, your Committee finds it appropriate to invest in a facility that will train guide dogs within the State, thereby reducing the need to import guide dogs from elsewhere.

Your Committee has amended this measure by:

- (1) Changing the appropriation from \$300,000 to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2473, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2473, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3214 Ways and Means on S.B. No. 2702

The purpose and intent of this measure is to increase opportunities for certain qualified entities, including farmers, to obtain a lease for non-agricultural park lands.

Your Committee received written comments in support of this measure from the Department of Agriculture; Larry Jeffs Farms, LLC; Hawaii Food Products Inc.; Hawaii Beef LLC; PonoHolo Ranch; Ohana Farm Orchards; HCP; Waihale Products; Hawaii Cattlemen's Council; Local Food Coalition; Hawaii Farm Bureau; East Oahu County Farm Bureau; Hawaii Crop Improvement Association; Hawaii Aquaculture and Aquaponics Association; Leilani Nursery, Inc.; Hawaiian Flower Gardens, Inc.; Kunia Village Title Holding Corporation; Ulupalakua Ranch; Mulhern Landscaping & Nursery; Maui County Farm Bureau; Ono Pop's Kauai; KM Farm and Ranch; and ten individuals.

Your Committee finds that this measure will allow many qualified entities in the State, including many farmers and farming enterprises, to obtain leases for non-agricultural park lands. By providing this access to non-agricultural park land leases, your Committee believes that these entities and farmers will also have better access to investment capital to improve their agricultural production capacity. Your Committee further finds that this measure aligns with the statewide goals of increasing local food production and supporting local agriculture.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2702, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2702, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3215 Ways and Means on S.B. No. 2704

The purpose and intent of this measure is to establish and appropriate funds for a crop reimbursement pilot program to reimburse farming operations in the State for the costs of acquiring cover crop seeds or green manure.

Your Committee received written comments in support of this measure from the Department of Agriculture; Larry Jeffs Farm, LLC; Pono Hawaii Initiative; Hawaii Farm Bureau; The Jones Family Farm; Sierra Club of Hawaii; and Hawaii Center for Food Safety.

Your Committee finds that it benefits the State to encourage and incentivize regenerative agricultural practices, including the use of cover crops and green manure.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2704, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2704, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3216 Ways and Means on S.B. No. 2736

The purpose and intent of this measure is to increase the State's biosecurity by appropriating funds for additional staff positions within the University of Hawaii College of Tropical Agriculture and Human Resources.

Specifically, this measure appropriates funds for:

- (1) One full-time equivalent (1.0 FTE) ornamental and landscaping entomologist specialist;
- (2) One full-time equivalent (1.0 FTE) plant pathologist extension agent; and
- (3) One full-time equivalent (1.0 FTE) pesticide specialist agent.

Your Committee received written comments in support of this measure from the University of Hawaii System; Department of Agriculture; Meadow Gold Dairies; Waihale Products; Flowers Forever; Performance Landscapes; Ulupalakua Ranch; Ohana Farm Orchards; Matsuda-Fukuyama Farms; Nutrien Ag Solutions, Inc.; Hawaii Coconut Protectors LLC; Land Use Research Foundation Hawaii; Hawaii Crop Improvement Association; Hawaii Farm Bureau; East Oahu County Farm Bureau; Hawaiian Flower Gardens,

Inc.; Onopops Kauai; Melvin Kunitake Farm; Mulkern Landscaping and Nursery; Maui County Farm Bureau; Pacific Ag Consultants; Mochi Aulelei; and numerous individuals.

Your Committee finds that this measure provides funding for staff positions that will assist in protecting the future of agriculture and biosecurity in the State by monitoring crop health and developing remediation solutions.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2736, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2736, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3217 Ways and Means on S.B. No. 2824

The purpose and intent of this measure is to appropriate moneys to the Department of Agriculture to establish three full time equivalent (3.0 FTE) meat inspection positions.

Your Committee received written comments in support of this measure from the Hawaii Farm Bureau and one individual.

Your Committee received written comments on this measure from the Department of Agriculture.

Your Committee finds that increasing the number of meat inspectors in the State by establishing meat inspection positions in the Department of Agriculture will promote the continued growth of the State's livestock industries.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2824, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2824, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Kahele, Shimabukuro).

SCRep. 3218 Ways and Means on S.B. No. 2852

The purpose and intent of this measure is to assist residents in obtaining affordable rental housing by increasing the Hula Mae multifamily revenue bond authorization from \$1,500,000,000 to \$2,500,000,000.

Your Committee received written comments in support of this measure from the Department of Business, Economic Development, and Tourism; Hawaii Housing Finance and Development Corporation; and Land Use Research Foundation of Hawaii.

Your Committee finds that increasing the bond authorization ceiling for the Hula Mae Multifamily Bond Program will allow the program to finance the development of additional affordable rental housing.

Your Committee has amended this measure by:

- (1) Changing the bond authorization ceiling amount to an unspecified sum; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2852, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2852, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3219 Ways and Means on S.B. No. 2874

The purpose and intent of this measure is to require the Insurance Commissioner to establish a safe home program through which to make grants for the installation of wind resistive devices on residential properties.

Additionally, this measure appropriates funds to implement the program.

Your Committee received written comments in support of this measure from the Department of Commerce and Consumer Affairs, Hawaii Emergency Management Agency, Hawaii Insurers Council, and one individual.

Your Committee finds that this measure will encourage property owners to make their homes more wind-resistant and less likely to suffer damages from hurricanes and high winds. Consequently, fewer instances of property damage will result in a lower number of insurance claims, which will reduce, over time, the costs of homeowners' insurance premiums for all Hawaii residents.

Your Committee has amended this measure by:

- (1) Changing the appropriations to unspecified amounts;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2874, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2874, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3220 Ways and Means on S.B. No. 2952

The purpose and intent of this measure is to appropriate funds to the Hawaii Public Housing Authority to support the State Rent Supplement Program.

Your Committee received written comments in support of this measure from the Governor's Coordinator on Homelessness, Hawaii Public Housing Authority, Partners in Care, and Catholic Charities Hawaii.

Your Committee finds that the State Rent Supplement Program is an effective tool for addressing the affordability of housing and reducing and preventing homelessness.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purpose of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2952, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2952, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3221 Ways and Means on S.B. No. 3007

The purpose and intent of this measure is to establish transparency with regard to which entities benefit from state tax credits.

Specifically, the measure requires the Department of Business, Economic Development, and Tourism to make public disclosures identifying:

- (1) The names of taxpayers receiving tax credits relating to motion picture, digital media, and film production; research activities; and state enterprise zones; and
- (2) The total amount of the tax credit received by each of those taxpayers.

Your Committee received written comments in support of this measure from two individuals.

Your Committee received written comments on this measure from the Department of Taxation; Department of Business, Economic Development, and Tourism; and Tax Foundation of Hawaii.

Your Committee finds that the tax credits that fall within the scope of this measure divert a significant amount of revenue that would otherwise go to the general fund and are thus effectively subsidized by taxpayers. Your Committee therefore believes that taxpayers and the general public have the right to know which entities are receiving the tax credits and how much of the tax credits those entities are receiving.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3007, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3007, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3222 Ways and Means on S.B. No. 3122

The purpose and intent of this measure is to require and appropriate funds for the Department of Human Services to seek approval from the Centers for Medicare and Medicaid Services to establish and implement a program to provide home- and community-based

services to at-risk individuals with intellectual or developmental disabilities who do not meet Medicaid's institutional level of care criteria for home- and community-based services.

Your Committee received written comments in support of this measure from the State Council on Developmental Disabilities, Fetal Alcohol Spectrum Disorder Action Group, Hawaii Autism Foundation, Hawaii Disability Rights Center, Hawaii Psychological Association, K.E.L.I.I. Foundation, and eleven individuals.

Your Committee received written comments on this measure from the Department of Health and Department of Human Services.

Your Committee finds that this measure seeks to offer necessary assistance to individuals who fall within a gap group for home- and community-based services.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, in order to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3122, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3122, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3223 Ways and Means on S.B. No. 3141

The purpose and intent of this measure is to appropriate funds for the Office of Community Services of the Department of Labor and Industrial Relations to contract with nonprofit organizations to provide low-income immigrants with legal counsel to assist and represent them in immigration proceedings and provide assistance on immigrant status issues.

Your Committee received written comments in support of this measure from the Department of Human Services; Office of Community Services, Department of Labor and Industrial Relations; Americans for Democratic Action; Filipina Advocacy Network; Filipinos for Affirmative Action; The Legal Clinic; Pono Hawaii Initiative; and six individuals.

Your Committee finds that Hawaii has a large number of immigrants, but few of them become naturalized citizens. Confronting the immigration system is a complicated and daunting process. Legal counsel is especially important for immigrants whose legal status is brought into question. However, legal counsel is expensive and difficult to obtain. Furthermore, the few nonprofit organizations that provide immigration-related services to the poor are generally restricted by the terms of their federal funding from assisting undocumented residents.

Your Committee has amended this measure by:

- (1) Clarifying that the Office of Community Services may retain up to ten percent of the appropriation for its administrative costs in relation to the contracts; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3141, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3141, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3224 (Joint) Ways and Means and Judiciary on S.B. No. 1443

The purpose and intent of this measure is to prohibit any company from being awarded, in consecutive years, a grant under the manufacturing development program of the Hawaii Technology Development Corporation.

Your Committees received written comments on this measure from the Hawaii Technology Development Corporation.

Your Committees find that requiring a one-year waiting period for receipt of a subsequent grant from the manufacturing development program is a reasonable way to balance the desire to provide opportunities to new applicants and the competing interest of awarding grants to applicants having the greatest likelihood of success.

Your Committees have amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1443, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1443, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 8. Noes, none. Excused, 5 (Harimoto, Inouye, Kahele, Shimabukuro, Taniguchi).

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3225 (Joint) Ways and Means and Judiciary on S.B. No. 2214

The purpose and intent of this measure is to expedite the permitting process for affordable housing projects in the State.

Specifically, this measure requires state or county agencies to issue, within sixty days of receipt of a permit application, discretionary permits for housing development projects that meet certain requirements.

Your Committees received written comments in opposition to this measure from the Department of Planning and Permitting of the City and County of Honolulu.

Your Committees received written comments on this measure from the Land Use Commission and Office of Planning.

Your Committees find that by requiring discretionary permits to be issued within sixty days, this measure will help to expedite the development of certain housing projects.

Your Committees have amended this measure by:

- (1) Clarifying that sales of dwelling units for a project for which a permit covered under this measure is applied must be restricted to persons who will be owner-occupants of the dwelling unit;
- (2) Correcting cross references to Acts that amended the original repeal and reenactment provisions of Act 141, Session Laws of Hawaii 2009;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2214, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2214, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 9; Ayes with Reservations (Riviere). Noes, none. Excused, 4 (Harimoto, Inouye, Kahele, Taniguchi).

Judiciary: Ayes, 4; Ayes with Reservations (Kim). Noes, none. Excused, 1 (Gabbard).

SCRep. 3226 (Joint) Ways and Means and Judiciary on S.B. No. 2888

The purpose and intent of this measure is to improve public safety communications interoperability among state, county, and where possible, federal public safety agencies.

More specifically, this measure:

- (1) Establishes the statewide interoperable communications executive committee and technical subcommittee in the Department of Defense;
- (2) Establishes the position of statewide interoperable communications coordinator; and
- (3) Exempts the statewide interoperable communications coordinator from Chapter 76, Hawaii Revised Statutes.

Your Committees received written comments in support of this measure from the Department of Defense, Department of Land and Natural Resources, Department of Transportation, and Office of Enterprise Technology Services.

Your Committees received written comments in opposition to this measure from two individuals.

Your Committees received written comments on this measure from the Department of Emergency Management of the City and County of Honolulu.

Your Committees find that a formal public safety communications governance body will provide a clear direction for future communications efforts, a framework for impacted parties to collaborate, and the opportunity for effective and efficient use of financial and technology resources.

Your Committees have amended this measure by:

- (1) Adding a new section to the measure to designate sections 128A-1 to 128A-5, Hawaii Revised Statutes, as "PART I. GENERAL PROVISIONS";
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2888, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2888, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Harimoto, Inouye, Kahele, Taniguchi).

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3227 Judiciary on S.B. No. 2636

The purpose and intent of this measure is to require publicly held domestic and foreign corporations registered to conduct business in Hawaii to include a certain number of women among the directors of their corporate boards.

Your Committee received testimony in support of this measure from Planned Parenthood Votes Northwest and Hawaii, American Association of University Women of Hawaii, Hawaii Bankers Association, Save Medicaid Hawaii, LGBT Caucus of the Democratic Party of Hawai'i, and two individuals. Your Committee received testimony in opposition to this measure from two individuals. Your

Committee received comments on this measure from the Department of the Attorney General and Department of Commerce and Consumer Affairs Business Registration Division.

Your Committee finds that a 2017 study by MSCI Inc., found that during the period from 2011 to 2016, United States companies with three or more female directors reported earnings per share that were forty-five percent higher than earnings for companies with no female directors. Your Committee further finds that inclusion of more females on boards of directors of publicly held corporations would boost the State's economy, improve opportunities for women in the workplace, protect Hawaii taxpayers, shareholders, and retirees, and lead to other economic benefits.

Your Committee has some concerns regarding this measure and encourages the following proposed amendments to be considered as this measure proceeds:

- (1) Delay the timeframe for the Department of Commerce and Consumer Affairs to publish the first report of businesses located in Hawaii who have at least one board member of each gender to January 1, 2022;
- (2) Change the requirement that boards have a certain number of "females" to a specified number of persons of each gender, so that the requirement is gender-neutral, per the Attorney General's recommendation;
- (3) Remove application to foreign corporations, per the Attorney General's recommendation; and
- (4) Clarify the definition of "publicly held corporation" to list examples of major U.S. stock exchanges, as requested by the Hawaii Bankers Association.

Your Committee has amended this measure by inserting an effective date of June 18, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2636, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2636, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3228 Judiciary on S.B. No. 2892

The purpose and intent of this measure is to bring state law into compliance with the 2019 amendments to the Child Abuse Prevention and Treatment Act by providing immunity from civil and criminal liability to persons who report suspected cases of child abuse under certain circumstances.

Your Committee received testimony in support of this measure from the Department of Human Services.

Your Committee finds that the Victims of Child Abuse Act Reauthorization Act of 2018 (P.L. 115-424), was enacted on January 7, 2019, further amending certain provisions of the Child Abuse Prevention and Treatment Act, which provides federal funding to states for prevention, assessment, investigation, prosecution, and treatment activities for child abuse and neglect. This measure updates state law to be in compliance with the 2019 amendments to the Child Abuse Prevention and Treatment Act.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2892, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2892, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3229 Judiciary on S.B. No. 3040

The purpose and intent of this measure is to:

- (1) Require the Department of Agriculture to provide annual reporting on pesticide inspection and compliance investigations; and
- (2) Increase monetary fines for pesticide violations.

Your Committee received testimony in support of this measure from one member of the Hawai'i County Council; Young Progressives Demanding Action; Hawai'i Seed; Hawai'i Center for Food Safety; Americans for Democratic Action Hawai'i; Hawaii Alliance for Progressive Action; EMCC Hawaii; We Are One, Inc.; UpCountry Doctor; Pele Lani Farm; Ka Ohana O Na Pua; A'a Li'i Farm; and sixty-three individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Farm Bureau and Hawaii Pest Control Association. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that the regulation of pesticide use continues to be of critical importance as it affects the public health, safety, and welfare of residents and visitors of the State. Your Committee further finds that there are significant risks to public health and the environment when pesticide use instructions are not followed properly. According to a 2016 report by the Department of Agriculture titled "Pesticide Use by Large Agribusinesses on Kaua'i", stricter monitoring of pesticide inspections and compliance investigations are necessary to protect against improper uses of pesticides. This measure will improve the safety of residents and visitors of the State, as well as the environment, by ensuring more stringent enforcement of Hawaii's pesticides law and increasing fines for pesticide violations.

Your Committee has amended this measure by inserting an effective date of June 18, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3040, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3040, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3230 Judiciary on S.B. No. 2033

The purpose and intent of this measure is to establish procedures for the effect of finding of unfitness to proceed for defendants charged with misdemeanors and petty misdemeanors not involving violence or attempted violence.

Your Committee received testimony in support of this measure from the Department of Health, Judiciary, Hawaii Substance Abuse Coalition, Hawai'i Wildfire Management Organization, and one individual. Your Committee received comments on this measure from the Department of the Attorney General and Hawaii Disability Rights Center.

Your Committee finds that the issue of mental health has resulted in the incarceration of numerous non-violent individuals charged with low-level and petty misdemeanors within the state prison facilities, where they reside without receiving mental health services. This measure would provide individuals the opportunity to be placed in the custody of the Director of Health within an institution for detention, assessment, care, and treatment, thereby allowing for a mental health clinical team to adequately focus on the proper treatment plan for the individual.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2033, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 3231 Judiciary on S.B. No. 2139

The purpose and intent of this measure is to amend filing deadlines for candidates attempting to fill vacant state senate seats.

Your Committee received testimony in support of this measure from the Office of Elections.

Your Committee finds that under existing law if a vacancy occurs after the close of candidate filing, a candidate who has already filed will find themselves in a situation where they cannot withdraw and file for the special vacancy election because the ability for a candidate to withdraw for any reason is limited to the day immediately following the close of filing. This measure amends filing deadlines to coincide with the close of candidate filing, and additionally enables a single special election to be held in conjunction with the general election in certain circumstances and conforms deadlines to the federal requirements of the Uniformed and Overseas Citizens Absentee Voting Act.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2139 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Gabbard).

SCRep. 3232 Judiciary on S.B. No. 2244

The purpose and intent of this measure is to clarify that the Hawai'i Civil Rights Commission has jurisdiction over disability discrimination claims even when other federal remedies are available and to exclude cases that fall within the scope of the Individuals with Disabilities Education Act.

Your Committee received testimony in support of this measure from the Disability and Communication Access Board, Hawai'i Civil Rights Commission, and Hawaii Disability Rights Center.

Your Committee finds that the Hawaii Supreme Court held in *Hawaii Technology Academy and the Department of Education v. L.E. and Hawaii Civil Rights Commission*, 141 Hawaii 147, 407 P.3d 103 (2017), that the Legislature did not intend the Hawaii Civil Rights Commission to have jurisdiction over disability discrimination claims under section 368-1.5, Hawaii Revised Statutes, relating to programs and activities receiving state financial assistance, if protections under section 504 of the Rehabilitation Act, as amended, are applicable. This measure clarifies that it was always the Legislature's intent to give the Commission jurisdiction over these claims to provide a state remedy even when federal protections under section 504 of the Rehabilitation Act of 1973, as amended, are also available. This measure also excludes cases within the scope of the Individuals with Disabilities Education Act from the Hawaii Civil Rights Commission's jurisdiction under section 368-1.5, Hawaii Revised Statutes, to address possible concerns regarding potential duplication of services under the Individuals with Disabilities Education Act, P.L. 101-476, as amended, and the Rehabilitation Act, and their respective appeals processes.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2244 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3233 Judiciary on S.B. No. 2349

The purpose and intent of this measure is to require all state correctional facilities to provide each inmate with the opportunity for a minimum of two contact visits per week, with each visit lasting at least one hour.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Community Alliance on Prisons, Hawai'i Friends of Restorative Justice, Hawaii Justice Coalition, American Civil Liberties Union of Hawaii, and seven individuals. Your Committee received testimony in opposition to this measure from the Department of Public Safety.

Your Committee finds that contact visitation is an important tool for reducing recidivism of incarcerated individuals as the ability to maintain meaningful connections with family members can enable better psychological well-being, reduce behavioral infractions, lessen frequent violent behavior, and provide for easier reintegration into society. Your Committee further finds that the benefits of contact visitations with family members, particularly children, can help to strengthen the parent-child relationship while reducing the trauma children may experience when separated from a parent. This measure codifies and reaffirms that contact visitation shall be the policy and practice at all state correctional facilities, in accordance with recognized best practices in criminal justice.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2349, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Gabbard).

SCRep. 3234 Judiciary on S.B. No. 2426

The purpose and intent of this measure is to amend the medical cannabis dispensary law by making conforming amendments that:

- (1) Align with recent enactments that provide a process for the voluntary or involuntary sale or transfer of a dispensary license, remove the exclusion from dispensary employment for certain class C felony convictions, and repeal certain restrictions on medical cannabis dispensary siting;
- (2) Include primary caregivers, qualifying out-of-state patients, and caregivers of a qualifying out-of-state patient as covered individuals; and
- (3) Better serve the needs and protect the safety of Hawaii's seriously ill patients.

Your Committee received testimony in support of this measure from the Hawai'i Cannabis Industry Association, Kush Hawai'i, and one individual.

Your Committee finds that Act 241, Session Laws of Hawaii 2015, established a regulated statewide dispensary system for medical cannabis to ensure safe and legal access to medical cannabis of qualifying patients. Your Committee further finds that the experience of the program indicates that improvements to the law will help to fulfill its original intent. This measure enhances Hawaii's medical cannabis dispensary system by clarifying violations related to medical cannabis dispensaries and further supporting patient access.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2426, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3235 Judiciary on S.B. No. 2508

The purpose and intent of this measure is to replace the term "accident" with the term "collision" for purposes of certain provisions of the statewide traffic code.

Your Committee received testimony in support of this measure from the Department of Transportation, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Hawaii Bicycling League, and one individual.

Your Committee finds that the National Highway Traffic Safety Administration encourages the terms "collision" or "crash" be used in place of the term "accident", since an accident is an unplanned event resulting in unintended consequences and motor vehicle collisions involve planned and intended events, which could theoretically impact an interpretation of the driver's state of mind in criminal cases. This measure replaces the term "accident" with the term "collision" in certain provisions of the State Traffic Code.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2508, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3236 Judiciary on S.B. No. 2512

The purpose and intent of this measure is to:

- (1) Prohibit the owner of an animal, and the owner's employees, from performing any surgical procedure, including but not limited to surgical birth, ear cropping, tail docking, or debarking on the animal without being licensed as a veterinarian; and
- (2) Make intentionally or knowingly performing any surgical procedure on a pet animal by any person not licensed as a veterinarian guilty of a class C felony.

Your Committee received testimony in support of this measure from the Board of Veterinary Medicine, Hawaiian Humane Society, and two individuals. Your Committee received testimony in opposition to this measure from the Pacific Pet Alliance and one individual.

Your Committee finds that there are serious dangers and risks to an animal when surgical procedures, especially surgical birth, ear cropping, and tail docking, are performed by individuals who have not received the appropriate education and training. This measure

protects Hawaii's pet animals from harm and suffering by requiring that surgical procedures on a pet animal be performed by a licensed veterinarian.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2512, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3237 (Joint) Commerce, Consumer Protection, and Health and Judiciary on S.B. No. 2050

The purpose and intent of this measure is to:

- (1) Establish a regulatory framework for products containing cannabidiol that were manufactured legally through approved government programs;
- (2) Clarify that products containing cannabidiol are not considered adulterated food, beverage, or cosmetic products;
- (3) Prohibit manufacturers from making health-related claims; and
- (4) Require products containing cannabidiol to be properly labeled for sale in the State.

Your Committees received testimony in support of this measure from the Hawaii Food Industry Association; Hawaii Cannabis Care; JOCOR Distro; Down to Earth; Pan Pacific Ventures; Kush Bottles Hawai'i; Steephill Hawaii; Global Widget, LLC; ABC Stores; U.S. Hemp Roundtable; Hawaiian Choice; Kona Chapter Hawaii Farmers Union United; and sixteen individuals. Your Committees received testimony in opposition to this measure from sixteen individuals. Your Committees received comments on this measure from the Department of Health.

Your Committees find that since Congress passed the Agricultural Improvement Act of 2018, the sale of cannabidiol products from commercial cultivation of hemp has increased rapidly. Industrial hemp is currently being used nationally in hundreds of different applications, including consumer textiles, personal care, industrial components, and dietary supplements containing cannabidiol.

Your Committees further find that with the existence of competing federal frameworks, several states, such as Florida, Ohio, and Texas, have already acted to pass laws or regulations that explicitly allow hemp-derived cannabidiol products to be produced and sold to consumers to provide stability and certainty in the marketplace. This measure similarly aims to eliminate the existing confusion among consumers and the industry, as well as provides a timely regulatory framework for products containing cannabidiol in the State.

Your Committees acknowledge that this measure is a work in progress and a preliminary attempt to establish a regulatory framework consistent with both the current information known from state and federal regulators and the current authorities of the Department of Health as it relates to new products. The effective date of July 1, 2050, for this measure is meant to reflect that the landscape for medical cannabis, its uses, and regulatory framework is continuing to evolve and requires further discussion. This measure raises several important issues and topics, including the establishment of an appropriate regulatory framework, that must be addressed as this measure moves forward.

Your Committees have amended this measure by:

- (1) Clarifying the scope of the regulatory framework as described in the purpose section of the measure;
- (2) Clarifying the definitions for "industrial hemp" and "industrial hemp product" for technical consistency;
- (3) Specifying that individuals, in addition to entities, licensed under chapter 329D, Hawaii Revised Statutes, are authorized to manufacture, distribute, or sell industrial hemp products;
- (4) Clarifying the claims that may be made by a manufacturer, distributor, or seller of an industrial hemp product as it relates to its benefits or effects under the definition of "health-related statement";
- (5) Providing conforming amendments to acknowledge the Department of Health's rulemaking authority as it relates to industrial hemp and industrial hemp products; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2050, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2050, S.D. 2.

Signed by the Chairs on behalf of the Committees.
Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Ruderman, Thielen).
Judiciary: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Kim).

SCRep. 3238 Judiciary on S.B. No. 2166

The purpose and intent of this measure is to require vehicles traveling on any two-lane bidirectional roadway, behind which a certain number of vehicles are formed in a line, to use turnouts on the roadway to let those other vehicles proceed when passing or overtaking is unsafe.

Your Committee received no testimony for this measure.

Your Committee finds that increased traffic on the road to Hana has led to unsafe driving conditions when the lead vehicle is moving slowly, causing a back-up of vehicles behind the lead vehicle, and that traffic moving in the opposite direction makes passing

vehicles unsafe. This measure promotes traffic safety on roadways, such as Hana Highway, by requiring drivers of lead vehicles on certain roadways to use turnouts and allow vehicles to pass under certain circumstances.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2166, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3239 Judiciary on S.B. No. 2193

The purpose and intent of this measure is to limit the convictions that may be used in employment decisions from all convictions in the most recent ten years to felony convictions that occurred in the most recent five years and misdemeanor convictions that occurred in the most recent three years.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Department of Human Resources Development, Hawai'i Civil Rights Commission, Office of the Prosecuting Attorney of the County of Kaua'i, American Civil Liberties Union of Hawai'i, Community Alliance on Prisons, Hawaii Justice Coalition, and eight individuals. Your Committee received comments on this measure from a member of the Chamber of Commerce Hawaii and one individual.

Your Committee finds that existing law provides employers with the ability to inquire about and consider the conviction records of prospective employees for a period extending ten years into the past. This measure shortens this "lookback period" so that people with conviction records who have paid their dues to society will not continue to struggle to find work. Your Committee also finds that a simple comparison of recidivism rates indicates that formerly incarcerated people who do not obtain jobs with a wage that meets their basic needs risk reoffending at a significantly higher rate than those who find work. Therefore, your Committee concludes that the current ten-year lookback period should be shortened to reduce employment bias against those with old and relatively minor conviction records to promote their economic self-sufficiency and to reduce recidivism rates.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2193 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4; Ayes with Reservations (Kim, Fevella). Noes, none. Excused, 1 (Gabbard).

SCRep. 3240 Judiciary on S.B. No. 2425

The purpose and intent of this measure is to repeal the sunset provision of Act 196, Session Laws of Hawaii 2018 (Act 196), to make permanent various pathways for condominium alternative dispute resolution.

Your Committee received testimony in support of this measure from the Hawaii Real Estate Commission, Community Associations Institute, Palehua Townhouse Association, Associa, and seven individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that Act 196 created important and effective rules relating to alternative dispute resolution to address condominium related disputes to be in effect until June 30, 2023. Expanding mediation opportunities for condominium owners will encourage the resolution of disagreements without the costs of filing a lawsuit against the association. This measure makes Act 196 permanent by repealing its sunset date.

Your Committee notes that this measure also repeals the sunset provision for section 514B-162.5, Hawaii Revised Statutes, relating to voluntary binding arbitration, but does not extend section 5 of Act 196, which provides a funding source that supports mediation and voluntary arbitration through June 30, 2023.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2425, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3241 Judiciary on S.B. No. 2780

The purpose and intent of this measure is to prohibit:

- (1) Offshore drilling for oil or natural gas in state marine waters; and
- (2) The issuance of permits for or in connection with the development or operation of any facility or infrastructure associated with offshore drilling for oil or natural gas in state waters.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office, Young Progressives Demanding Action, Climate Protectors Coalition, and two individuals. Your Committee received comments on this measure from the National Caucus of Environmental Legislators.

Your Committee finds that the federal government, through the executive authority of the President, has proposed a program to vastly expand offshore drilling for oil or natural gas in the Pacific Ocean. Your Committee further finds that although Hawaii has no proven petroleum or natural gas reserves or production, the State does produce petroleum products and crude oil is refined within the State. This measure proactively eliminates the possibility of offshore drilling in state waters prior to any companies commencing to research the possibility of drilling and protects the State's precious ecosystem.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2780 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3242 Judiciary on S.B. No. 2781

The purpose and intent of this measure is to prohibit the intentional release of balloons inflated with gas that is lighter than air.

Your Committee received testimony in support of this measure from the Hawai'i Reef and Ocean Coalition, Beach Environmental Awareness Campaign Hawai'i, Climate Protectors Coalition, Animal Rights Hawai'i, and sixteen individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the intentional release of balloons inflated with lighter-than-air gas poses a danger and nuisance to native wildlife and coastal communities. Balloon releases contribute to debris that can cause harm to many wildlife and marine animals, including severe injury, starvation, or death from ingestion or entanglement with the soft plastic or ribbon attached to the balloons. Your Committee notes that there are other ecologically-friendly options to celebrate or commemorate events. This measure will ensure the safety of wildlife and marine animals and protect the environment by prohibiting the intentional release of balloons filled with lighter-than-air gas, except under certain circumstances.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2781 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3243 Judiciary on S.B. No. 2837

The purpose and intent of this measure is to amend the composition and policies of the Information Technology Steering Committee. Specifically, this measure:

- (1) Provides for appointment of members to four-year terms, without the need for Senate confirmation of the nominees;
- (2) Reduces the number of appointees by one each by the Senate President and the Speaker of the House of Representatives;
- (3) Adds one member appointed by the Superintendent of Education and one member appointed by the President of the University of Hawaii to the Information Technology Steering Committee;
- (4) Provides that each member of the Information Technology Steering Committee shall hold office until the member's successor is appointed, because cumulative experience and continuity in office are essential to the proper administration of the State's technology standards and policies; and
- (5) Declares it to be the policy that it is in the public interest for members to continue in office as long as efficiency is demonstrated.

Your Committee received testimony in support of this measure from the Office of Enterprise Technology Services, Department of Education, and Transform Hawaii Government.

Your Committee finds that members of the Information Technology Steering Committee should serve without regard to term limits because their institutional knowledge of the State's complex information systems assists the Chief Information Officer in developing the State's information technology standards and policies. Your Committee declares it to be in the public interest that members of the Information Technology Steering Committee remain in office until a successor is appointed to their position.

Your Committee also finds that the inclusion of members from the Department of Education and the University of Hawaii ensures that the State's public educational institutions can participate in formulating information technology strategic plans and policies.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2837, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3244 Judiciary on S.B. No. 3044

The purpose and intent of this measure is to classify the offense of assault in the second degree of a health care security professional as a class C felony.

Your Committee received testimony in support of this measure from Healthcare Association of Hawaii, Hilo Medical Center, Queen's North Hawai'i Community Hospital, Hawai'i Primary Care Association, Kapi'olani Medical Center for Women and Children, Adventist Health, Straub Medical Center, The Queen's Medical Center – West O'ahu, Molokai General Hospital, The Queen's Health Systems, and three individuals. Your Committee received comments on this measure from the Hawai'i State Center for Nursing.

Your Committee finds that hospitals across the State have been experiencing an increase in encounters with violent patients, which pose greater risks of workplace violence for health care security professionals. Your Committee notes that it is currently a felony to assault certain classes of workers, including correctional workers, education workers, employees of state operated or contracted mental health facilities, emergency medical service workers, firefighters, and water safety officers. Your Committee also finds that health care security professionals experience an increased risk of sustaining violent injuries due to the nature of their profession and that this increased risk qualifies them to be included in this group. Accordingly, this measure establishes parity for the protections of those working in a health care facility by classifying the offense of assault in the second degree of a health care security professional as a class C felony.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3044, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3245 Judiciary on S.B. No. 3114

The purpose and intent of this measure is to:

- (1) Give preference rights for an agricultural park lot and a non-agricultural park land lease to lessees who have made a significant improvement to the land that furthers commercial agricultural operations;
- (2) Add the same preference for a non-agricultural park land lease as those for agricultural park lot lease; and
- (3) Require the Department of Agriculture to define "significant improvement" in administrative rules.

Your Committee received testimony in support of this measure from the Hawai'i Farm Bureau, Hawaii Aquaculture and Aquaponics Association, and two individuals. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that an emerging trend in modern agriculture is controlled environmental production, as well as on-site cold storage and value-added processing, to address environmental sustainability and consumer demands. The maximization of production and revenue potential of local farms can require significant reinvestments in the property. However, when the time comes to submit applications to renew a lease, these self-financed improvements made by current lessees are given no preference rights over other applicants, which discourages lessees from using their own funds to make improvements near the end of a lease term.

Your Committee notes that allowing a preference for current state agricultural leases is important for Hawaii's farmer-lessees who want to renew their leases of state agricultural lands as many have invested substantial funds and efforts over their lease term to make improvements on the property for purposes of establishing and growing their businesses. This measure provides important preference rights to support Hawaii's goal of increased local food production and food security.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3114, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3246 Judiciary on S.B. No. 2354

The purpose and intent of this measure is to:

- (1) Prohibit a person from advertising or conducting a live musical performance using deceptive affiliation under certain conditions; and
- (2) Enable action against deceptive practices by imposing penalties and private right of action.

Your Committee did not receive testimony on this measure.

Your Committee finds that over thirty states have passed Truth in Music Advertising laws, and other states utilize general deceptive acts or consumer protection laws to prevent cover bands and imposter performers from misappropriating the intellectual property of other artists. This measure adopts provisions of the model Truth in Music Advertising law to provide protections for Hawaii's performing artists and to protect the public from deceptive acts.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2354, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3247 Judiciary on S.B. No. 2868

The purpose and intent of this measure is to specify details to facilitate the Employees' Retirement System's (ERS) implementation of processing Hawaii Domestic Relations Orders, which will begin on July 1, 2020, and enable the ERS to make direct payment of benefits to an alternative payee pursuant to, for example, a divorce decree.

Your Committee received testimony in support of this measure from the Employees' Retirement System.

Your Committee finds that this measure is necessary for the ERS to implement the process of qualification, approval, and application of Hawaii Domestic Relations Orders. This measure specifies, among other things, that the ERS may release a member's information to an alternate payee pursuant to a complaint for divorce or divorce decree and the manner in which the ERS will prioritize multiple orders.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2868, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3248 Judiciary on S.B. No. 2919

The purpose and intent of this measure is to require that the dispensing of a pharmacist-prescribed opioid antagonist be reported to the State's electronic prescription accountability system. Opioid antagonists are pharmacist prescribed for the purpose of reversing the effects of an opioid overdose.

Your Committee received testimony in support of this measure from the Board of Pharmacy, Department of Public Safety, and Department of Health.

Your Committee finds that Act 255, Session Laws of Hawaii 2019, allows pharmacists to issue prescriptions for opioid antagonists, thereby increasing access to lifesaving drugs. Your Committee further finds that the electronic prescription accountability system, or Prescription Drug Monitoring Program, increases Hawaii's public health surveillance capacity to better protect the community from prescribing practices that are of concern, especially the over-prescription of opioids. This measure centralizes efforts by requiring pharmacists to report opioid antagonist prescriptions to the Prescription Drug Monitoring Program, thereby improving efficiency for reporting and collecting data to prevent opioid overdose.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2919, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3249 Judiciary on S.B. No. 3152

The purpose and intent of this measure is to:

- (1) Require cultural assessments to be available for public review and comment in connection with draft environmental assessments;
- (2) Require a cultural impact assessment if an agency determines a proposed action may have a significant effect on the environment; and
- (3) Define the terms "cultural assessment" and "cultural impact assessment" to provide greater clarity for the requirements of environmental impact statements.

Your Committee received testimony in support of this measure from three individuals. Your Committee received testimony in opposition to this measure from the Department of Transportation and Office of Planning.

Your Committee finds that native Hawaiian culture plays a vital role in preserving and advancing the unique quality of life in Hawaii. Your Committee further finds that although Act 50, Session Laws of Hawaii 2000, required environmental assessments and environmental impact statements to disclose the effects of proposed actions on the cultural practices of the community and State, it did not provide a statutory definition for the cultural assessments nor cultural impact assessments that resulted from this requirement.

Your Committee recognizes that this lack of clarity has led to adverse impacts on native Hawaiian resources, practices, and traditions. This measure seeks to increase public notice and participation on the proposed actions of the State and counties, and ensure the continued existence, development, and exercise of native Hawaiian culture by requiring due consideration of the effects of human activities on the perpetuation of the culture.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3152, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3250 Judiciary on S.B. No. 2520

The purpose and intent of this measure is to establish procedures for the use of administrative and disciplinary segregation in correctional facilities.

Your Committee received testimony in support of this measure from the Community Alliance on Prisons, Hawaii Disability Rights Center, Hui Aloha Aina O Ka Lei Maile Alii, and eight individuals. Your Committee received testimony in opposition to this measure from the Department of Public Safety and one individual. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that administrative and disciplinary segregation is used on inmates who are either at risk of endangering themselves or others, or when inmates violate rules. Your Committee believes that the use of administrative and disciplinary segregation requires clearly established guidelines in order to ensure the mental health and physical safety of inmates. Administrative and disciplinary segregation can have harmful and long-lasting consequences on inmates, especially inmates with mental health issues. Your Committee further finds that inmates with mental health issues are more likely to be placed in solitary confinement than other inmates, causing higher rates of recidivism throughout the State. While the Department of Public Safety has policies on administrative and disciplinary segregation that are in accordance with current national best practices, your Committee believes that creating a minimum standard in statute helps ensure appropriate oversight of solitary confinement and provides better regulation on the use of administrative and disciplinary segregation.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2520, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3251 Judiciary on S.B. No. 2620

The purpose and intent of this measure is to:

- (1) Authorize county land use decision-making authorities, in place of the Land Use Commission, to amend district boundaries involving non-important agricultural land or rural land areas greater than fifteen acres but no more than twenty-five acres if the land areas are proposed for reclassification to the urban district and at least sixty percent of the land areas will be dedicated for the development of affordable housing; and
- (2) Prohibit parceling of lands for development for the purposes of a district boundary amendments by a county land use decision-making authority.

Your Committee received testimony in support of this measure from one member of the Maui County Council and the Hawai'i Association of REALTORS. Your Committee received testimony in opposition to this measure from the Hawai'i Alliance for Progressive Action, Hawaii's Thousand Friends, and six individuals. Your Committee received comments on this measure from the Office of Hawaiian Affairs, Young Progressives Demanding Action, and Sierra Club of Hawai'i.

Your Committee finds that Hawai'i faces numerous affordable housing challenges, including land and infrastructure costs, funding, and regulation and permitting. According to the Department of Business, Economic Development, and Tourism's report on Housing Demand in Hawaii, the State needs 64,493 housing units to meet anticipated demand by 2025. This measure represents a creative approach to address Hawai'i's housing supply crisis.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2620, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Gabbard). Noes, none. Excused, 1 (Fevella).

SCRep. 3252 Judiciary on S.B. No. 2721

The purpose and intent of this measure is to optimize the effectiveness of audits of the Deposit Beverage Container Program by requiring the Department of Health to develop and implement a risk-based selection process in choosing which redemption centers and distributors to audit.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii Food Industry Association, and American Beverage Association. Your Committee received testimony in opposition to this measure from Reynolds Recycling, Inc.

Your Committee finds that fraud exists in the Deposit Beverage Container Program because redemption centers and distributors are not required to provide supporting records for the money paid for the redemption of recyclable material and the amount requested as reimbursement from the Department of Health. However, audits of the Deposit Beverage Container Program are inefficient, as the audits can only reveal a small or negligible difference between the amount of money that should have been reimbursed and the amount actually reimbursed. This measure will optimize these audits and ensure that all eligible beverage containers being redeemed are accurately accounted for and appropriately reimbursed.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2721, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3253 Judiciary on S.B. No. 2769

The purpose and intent of this measure is to include tips or gratuities paid directly to an individual by a customer of the employer and reported or declared to the employer under the definition of income withheld by employers for payments of child or spousal support.

Your Committee did not receive any testimony on this measure.

Your Committee finds that cash wages paid directly by the employer and the amount of any tip credit claimed by the employer under federal or state law are earnings for the purposes of the wage garnishment law. However, tips received in excess of the tip credit amount are not considered earnings subject to withholding. This measure will include tips and gratuities in the definition of income withheld by employers for payments of child or spousal support. This will allow employers to garnish the appropriate child or spousal support payments to help alleviate the financial stress and worry that many families experience.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2769, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3254 Judiciary on S.B. No. 2515

The purpose and intent of this measure is to establish the criminal offense of trespassing on critical electrical infrastructure.

Your Committee received testimony in support of this measure from the Hawaiian Electric Company, Inc.

Your Committee finds that the security and resilience of Hawaii's critical electrical infrastructure is fundamental to the welfare of Hawaii's residents and visitors, as well as the defense of the state and country; however, existing trespassing laws do not provide a

proportionate level of protection for such a key resource. This measure establishes the criminal offense of trespassing on critical electrical infrastructure property as a class C felony to deter potential offenders.

Your Committee has amended this measure by:

- (1) Clarifying the offense of criminal trespass on critical electrical infrastructure property as when a person intentionally and unlawfully enters or remains on critical electrical infrastructure property with intent to commit therein a crime against a person or against property rights, and the property is fenced or enclosed in a manner designed to exclude intruders with posted warning signs;
- (2) Clarifying the definition of “critical electrical infrastructure” and “critical electrical infrastructure property”; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2515, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2515, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 3255 (Majority) Judiciary on S.B. No. 3054

The purpose and intent of this measure is to require every person who permanently moves firearms out of the State to contact the county police department where the firearms are registered to provide notice that the firearms have been moved out of State within five days of removal from the State.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Kaua'i Police Department and thirty-one individuals. Your Committee received comments on this measure from the Mayor of Hawai'i County.

Your Committee finds that, based on the recent report by the Legislative Research Bureau on statistical data relating to firearms, there is no accurate data on the number of firearms in the State, despite the fact that the State has some of the strongest gun safety laws in the nation. This measure requires persons who permanently remove firearms from the state to report doing so to the appropriate county police department to improve data collection on firearms.

Your Committee has amended this measure by:

- (1) Providing that any person who fails to timely notify the appropriate police department upon permanently moving firearms out of the State shall be subject to a civil penalty of \$250 per firearm; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3054, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3054, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, 1 (Fevella). Excused, none.

SCRep. 3256 Judiciary on S.B. No. 2228

The purpose and intent of this measure is to:

- (1) Establish the offense of unlawful shipment of e-liquid products;
- (2) Prohibit the sale of flavored products for electronic smoking devices;
- (3) Prohibit the mislabeling of e-liquid products containing nicotine;
- (4) Prohibit the sale of electronic smoking devices, e-liquid, and electronic smoking device accessories other than through retail sales via a direct, in-person exchange between a retailer and consumer; and
- (5) Include e-liquid and electronic smoking devices containing e-liquid within the definition of “tobacco products”, as used in the cigarette tax and tobacco tax law.

Your Committee received testimony in support of this measure from the Department of Transportation; Office of the Prosecuting Attorney of the County of Hawai'i; Hawai'i Primary Care Association; Filipina Advocacy Network; American Academy of Pediatrics, Hawaii Chapter; We Are One, Inc.; Hawaii Substance Abuse Coalition; Hawaii Dental Hygienists' Association; Friends of Kamalani and Lydgate Park; Kaho'omiki; American Heart Association; Pono Hawai'i Initiative; Pediatric Therapies Hawaii; Hui No Ke Ola Pono; American Cancer Society Cancer Action Network; Hawai'i Public Health Institute; Hawaii Kai Lions Club; Flavors Hook Kids Hawai'i; Hawai'i Pacific Health; The Man Cave; Hawaii State Teachers Association; West Hawaii Community Health Center; American Lung Association; Hawai'i Children's Action Network Speaks!; Kamehameha Schools; Windward Nazarene Academy; Maui Preparatory Academy; St. Andrew's Schools; Doris Todd Christian Academy; Maui Christian Academy; Maui Adventist School; Waldorf School; Holy Nativity School; Mid-Pacific Institute; Damien Memorial School; and twenty-six individuals. Your Committee received testimony in opposition to this measure from the Hawaii Smokers Alliance, Irie Hawaii, Vape Kings LLC, and fifty-eight individuals. Your Committee received comments on this measure from the Department of the Attorney General and Hawaii Food Industry Association.

Your Committee finds that between 2011 to 2015, the use of electronic smoking devices by Hawaii's youth increased six-fold among middle school youth and four-fold among high school youth. This is particularly concerning considering the nicotine content of such devices and recent severe lung injuries reported nationally as a result of using electronic smoking devices. Your Committee further finds that flavored tobacco products are particularly appealing to youth since the flavors change the taste and reduce the harshness of the otherwise unflavored tobacco product. This measure aims to protect Hawaii's youth by establishing more stringent regulations on e-liquids and electronic smoking devices.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2228, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2228, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3257 Judiciary on S.B. No. 2275

The purpose and intent of this measure is to update the existing laws regarding notaries public to conform to the Revised Uniform Law on Notarial Acts (2018), Hawaii Uniform Electronic Transactions Act, other state notary laws, and current notary practices.

Your Committee received testimony in support of this measure from the Department of the Attorney General, State of Hawaii's Commission to Promote Uniform Legislation, Uniform Law Commission, First American Title, Mortgage Bankers Association of Hawaii, and Hawaii Land Title Association. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that twenty-two other states have adopted model legislation to support remote online notarization. Hawaii residents currently use remote online notarization based in other states instead of using the services provided by Hawaii notaries. This measure would safeguard consumers by extending protections under existing state law to remote online notarization.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2275, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2275, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3258 Judiciary on S.B. No. 2180

The purpose and intent of this measure is to:

- (1) Require that the Attorney General consider and, if requested, investigate every application for pardon referred by the Governor and recommend whether the Governor should grant or refuse the pardon; and
- (2) Establish a comprehensive process for the consideration of executive pardons.

Your Committee received testimony in support of this measure from the Crime Victim Compensation Commission and Department of the Prosecuting Attorney of the City and County of Honolulu. Your Committee received comments on this measure from the Hawaii Paroling Authority.

Your Committee finds that the Hawaii State Constitution provides that the Governor may grant reprieves, commutations and pardons, after conviction, for all offenses, subject to regulation by law as to the manner of applying for the same. Under existing law, only the Department of Public Safety is mandated to consider every application for pardon, which is referred by the Governor, and there is no requirement that prosecutors or crime victims receive advance notice of applications for pardons or commutations. Your Committee further finds that there is very little guidance or requirements regarding the process before a pardon is granted.

Your Committee notes that this may require a constitutional amendment to be implemented. Your Committee finds that this measure should proceed in a form in which it may be enacted without constitutional amendments to establish an application process in which prosecutors and victims will receive notice of any pardon being sought.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have established a comprehensive process for the consideration of executive pardons;
- (2) Inserting language to provide that the Hawaii Paroling Authority shall notify the prosecuting attorney of the relevant county of each offense for which an applicant is seeking pardon and require the prosecuting attorney to make reasonable efforts to contact any victim, or victim's immediate family members, involved in each offense for which a pardon is being sought;
- (3) Placing the new language in part II of chapter 353, Hawaii Revised Statutes;
- (4) Making it effective on July 1, 2020; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2180, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2180, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3259 Judiciary on S.B. No. 2106

The purpose and intent of this measure is to:

- (1) Amend child passenger restraint requirements by regulating the transport of children under ten years of age as opposed to current law, which applies up to eight years of age, and require the operator of the motor vehicle to provide child passenger restraints under certain circumstances;
- (2) Repeal the exemption from child passenger restraint requirements for vehicles with less seat belt assemblies than the number of passengers; and
- (3) Increase the fines for violating child passenger restraint requirements.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Keiki Injury Prevention Coalition, Safe Kids Hawaii, and Maui County Child Passenger Safety.

Your Committee finds that existing motor vehicle laws lack any requirement that children of any age be restrained in a rear facing child safety seat. Your Committee further finds that traffic accidents continue to be a leading cause of death for Hawaii's children and youth. According to the American Academy of Pediatrics guidelines, infants and toddlers need to be in a rear-facing car safety seat until they reach the highest weight or height allowed by the seat. This measure aligns Hawaii law with other jurisdictions that require children under the age of two to be restrained in a rear-facing child safety seat.

Your Committee notes that under existing law, children may be exempt from child safety seat requirements if they instead meet specific age, height, and weight requirements. Your Committee finds that there is not always a predictable correlation between a child's age and their weight and height, and thus a child who is younger than the threshold age may meet the height and weight requirements to ride without being restrained in a safety seat. Accordingly, your Committee requests that as this measure moves forward in the legislative process, future committees consider a similar exemption for younger children who meet weight and height requirements.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2106, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2106, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4; Ayes with Reservations (Keohokalole, Fevella). Noes, none. Excused, 1 (Gabbard).

SCRep. 3260 Judiciary on S.B. No. 2032

The purpose and intent of this measure is to prohibit discrimination, including in advertisements for available real property, based on participation in a housing assistance program, or requirements related to participation in housing assistance programs, in real estate transactions and requirements.

Your Committee received testimony in support of this measure from the Hawaii Public Housing Authority, Hawai'i Civil Rights Commission, Parents and Children Together, Hawai'i Health and Harm Reduction Center, and two individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Association of REALTORS.

Your Committee finds that low-income individuals who participate in housing assistance programs experience extreme difficulty in finding affordable rentals in the State and are often faced with discrimination based on their source of income. Your Committee further finds that there have been numerous cases of housing vacancy requirements proclaiming that they do not accept section 8 housing voucher recipients as potential tenants. Your Committee notes that existing state law is silent in regard to prohibiting housing discrimination based on lawful sources of income, including the use of housing vouchers, whereas twelve states and the District of Columbia explicitly prohibit this kind of discrimination. This measure will address a key barrier to housing for many low-income and homeless individuals and families by prohibiting discrimination against any individual based on their source of income.

Your Committee has amended this measure by inserting an effective date of June 18, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2032, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2032, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3261 Judiciary on S.B. No. 2573

The purpose and intent of this measure is to require the University of Hawaii Board of Regents to:

- (1) Begin livestreaming audio and archiving on its website all board of regents and board of regents standing committee meetings;
- (2) On September 1, 2020, begin livestreaming video and archiving on its website all board of regents meetings; and

- (3) Move expeditiously to ascertain its obligations and best practices that should be implemented in complying with the Americans with Disabilities Act in regard to the accessibility of webcasting and streaming video streaming of board of regents and board of regents standing committee meetings.

Your Committee received testimony in support of this measure from the University of Hawai'i System Office of the Board of Regents.

Your Committee finds that legal opinions vary as to the matter of online media content accessibility under the Americans with Disabilities Act. Your Committee further finds that the Board of Education has begun to webcast live streaming audio of its meetings; however, the University of Hawai'i Board of Regents has not. This measure would require the Board of Regents to record live digital audio and livestream its meetings.

Your Committee has amended this measure by:

- (1) Extending the deadline by which the Board of Regents must record live digital audio of its standing committee meetings to May 1, 2021;
- (2) Requiring the Board of Regents to archive and make available to the public digital audio recordings of its standing committee meeting seventy-two hours after adjournment of the meeting;
- (3) Extending the deadline by which the Board of Regents must webcast live to September 1, 2021;
- (4) Requiring the Board of Regents to archive and make available to the public recorded webcasts of its standing committee meeting seventy-two hours after adjournment of the meeting;
- (5) Clarifying that the Board of Regents shall determine its obligations under the Americans with Disabilities Act concerning accessibility of webcasting and video streaming of its meetings and bring its actions into compliance with the Americans with Disabilities Act;
- (6) Inserting an effective date of June 18, 2050, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2573, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2573, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3262 Judiciary on S.B. No. 2638

The purpose and intent of this measure is to, for a period of five years:

- (1) Amend the offense of abuse of family or household members to provide for misdemeanor and petty misdemeanor penalties;
- (2) Allow a deferred acceptance of guilty or no contest plea to misdemeanor and petty misdemeanor offenses of abuse of a family or household member under certain circumstances; and
- (3) Require the Judiciary to submit annual reports to the Legislature on the number and outcome of abuse of family or household members cases.

Your Committee received testimony in support of this measure from the Judiciary, Hawai'i State Commission on the Status of Women, Domestic Violence Action Center, American Association of University Women of Hawaii, Planned Parenthood Votes Northwest and Hawaii, Hawaii Women's Coalition, Save Medicaid Hawaii, and one individual. Your Committee received comments on this measure from the Department of the Attorney General and City and County of Honolulu Department of the Prosecuting Attorney.

Your Committee finds that domestic violence intervention requires varied approaches to meet the broad spectrum of severity. Existing laws are not inclusive enough to encompass the entirety of the spectrum, given that some instances of low-level force are insufficient to meet the criteria of abuse of a family member. This measure establishes a five-year pilot project to strengthen state and county responses to domestic violence and increase offender accountability.

Your Committee has amended this measure by:

- (1) Requiring the Judiciary to submit its annual report, including information on certain abuse of household or family member cases filed with the Judiciary, to the Legislature forty days prior to the convening of the Regular Session;
- (2) Deleting language that would have required the Judiciary to include in its annual reports information from each county police department and county prosecutor's office; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2638, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2638, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3263 Judiciary on S.B. No. 2759

The purpose and intent of this measure is to reduce the number of people trespassing on trails that have been closed to the public by:

- (1) Requiring government entities that engage in search and rescue operations to seek reimbursement when the rescued person required search and rescue efforts because that person acted in disregard of that person's safety, including intentionally disregarding a warning or notice; and
- (2) Increasing the penalties for unlawfully entering or remaining on a trail that has been closed to the public.

Your Committee received testimony in support of this measure from two individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that unlawfully entering trails that have been closed to the public puts those entering the trails at significant danger of injury, risks damage to native habitats and other natural resources, and potentially requires dangerous and expensive rescue operations to retrieve persons who are injured or become lost. Your Committee further finds that the costs associated with the search and rescue of individuals who willfully disregard their own safety by ignoring posted warning signs are substantial. This measure will incentivize the general public to stay within authorized managed areas by increasing penalties for entering closed areas and mandating government entities to seek reimbursement for costs associated with search and rescue operations.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2759, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3264 Judiciary on S.B. No. 2917

The purpose and intent of this measure is to:

- (1) Allow authorized employees of the Department of Health, Med-Quest Program to access information stored in the Prescription Drug Monitoring Program (PDMP); and
- (2) Allow licensed health care providers or delegates of such providers employed by the United States Department of Veterans Affairs to access information stored in the PDMP.

Your Committee received testimony in support of this measure from the Department of Public Safety and Department of Health.

Your Committee finds that the PDMP increases Hawaii's public health surveillance capacity to better protect the community from prescribing practices that are of concern, especially the over-prescription of opioids. This measure aligns with the Hawaii Opioid Initiative and will enhance the Department of Human Services' clinical and program integrity efforts by allowing for greater access to the system.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2917, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3265 Judiciary on S.B. No. 2985

The purpose and intent of this measure is to:

- (1) Provide immunity from civil liability, in the absence of gross negligence, to veterinarians who provide emergency care to an animal;
- (2) Provide immunity from civil liability, in the absence of gross negligence, to veterinarians who render emergency treatment when there is no veterinarian-client-patient relationship; and
- (3) Require veterinarians to report to law enforcement events of animal injury, death, or abuse where there is reasonable cause to believe that it relates to dog fighting or animal abuse and give veterinarians immunity from civil liability for making the required report.

Your Committee received testimony in support of this measure from the Hawaii Board of Veterinary Medicine, Hawaiian Humane Society, Animal Welfare Institute, Hawaii Veterinary Medical Association, Animal Interfaith Alliance, and ten individuals.

Your Committee finds that veterinarians should be permitted to use their skills and expertise to render emergency aid to animals without the fear of civil liability, provided that the aid is rendered in good faith and absent gross negligence. Your Committee further finds that this measure provides appropriate civil immunity to veterinarians while ensuring the protection of animal health and welfare.

Your Committee further finds that a veterinarian should be required to report suspected animal abuse and that they should have civil immunity from making such a report.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2985, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3266 Judiciary on S.B. No. 2995

The purpose and intent of this measure is to establish a separate framework for the specific regulation of electric foot scooters by the State and counties. The newly established regulations address such matters as: allowable riders, required safety equipment, safe operation, and speed limit.

Your Committee received testimony in support of this measure from the Department of Transportation; City and County of Honolulu, Department of Transportation Services; Skip Transport, Inc.; and Ulupono Initiative.

Your Committee finds that electric foot scooters and other micromobility options have enormous potential to reduce transportation costs, traffic congestion, dependence on fossil fuels, and pollutants and harmful emissions. Your Committee further finds that given the increased frequency with which these scooters are being utilized, it is necessary to specifically regulate these vehicles. This measure establishes a framework for the regulation of electric foot scooters by the State and counties.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2995, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3267 Judiciary on S.B. No. 2326

The purpose and intent of this measure is to phase in a prohibition on the manufacture and sale in Hawaii of certain personal care products and non-prescription drugs that contain synthetic plastic microbeads. Specifically, this measure:

- (1) Beginning 7/1/2021, bans the manufacture of a personal care product, except a non-prescription drug, that contains synthetic plastic microbeads;
- (2) Beginning 7/1/2022, bans the sale or offer for sale of a personal care product, except a non-prescription drug, that contains synthetic plastic microbeads and bans the manufacture of a non-prescription drug that contains synthetic plastic microbeads;
- (3) Beginning 7/1/2023, bans the sale or offer for sale of a non-prescription drug that contains synthetic plastic microbeads;
- (4) Defines synthetic plastic microbead as any intentionally added solid plastic particle measuring two millimeters in size or larger; and
- (5) Exempts rinse-off cosmetics and rinse-off cosmetics that are also non-prescription drugs regulated by the federal Microbead-Free Waters Act of 2015.

Your Committee received testimony in support of this measure from the Department of Health, Climate Protectors Coalition, Calypso Charters, Animal Rights Hawai'i, and two individuals. Your Committee received testimony in opposition to this measure from the Personal Care Products Counsel, Beach Environmental Awareness Campaign Hawai'i, Plastic Soup Foundation, and one individual.

Your Committee finds that synthetic plastic microbeads pose a serious threat to the natural environment. Synthetic plastic microbeads are an ingredient in many personal care products and are used for exfoliating dead skin cells. Sewage waste treatment facilities are unable to filter synthetic plastic microbeads out of wastewater because of their small size, and as a result, synthetic plastic microbeads are often discharged into the ocean along with the treated wastewater. Marine life can easily swallow the synthetic plastic microbeads, potentially causing injury and even death. Your Committee finds that there is a strong public interest in protecting Hawaii's natural environment and decreasing the amount of plastic waste flowing into its coastal waters. This measure protects Hawaii's ocean environment by phasing out the manufacturing and sale of certain personal care products that contain synthetic plastic microbeads in the State.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2326, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4; Ayes with Reservations (Kim). Noes, none. Excused, 1 (Fevella).

SCRep. 3268 Judiciary on S.B. No. 2502

The purpose and intent of this measure is to include in the list of persons who are required to report child abuse or neglect: commercial film and photographic print or image processors, commercial computer technicians, members of the clergy, and administrators and employees of any public or private organization whose duties require direct contact with or supervision of children.

Your Committee received testimony in support of this measure from the Department of Human Services, Hawaii Youth Services Network, IMUAlliance, and two individuals.

Your Committee finds that individuals working in fields such as medicine, law enforcement, and social services are mandated to report instances of child abuse or neglect; however, Hawaii is only one of four states and three United States territories that do not include members of the clergy as mandatory reporters. Your Committee further finds that as sexual exploitation of children continues to occur online, to protect more children from exploitation and abuse, computer technicians should be required to report to law enforcement any computer files containing child pornography. This measure updates Hawaii's mandatory child abuse and neglect reporting law by adding members of the clergy, except when information is received during penitential communication; commercial computer technicians; commercial film and photographic print or image processors; and administrators and employees of organizations that have direct contact with or supervision of children to the categories of persons who are required to report.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2502, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Gabbard).

SCRep. 3269 Judiciary on S.B. No. 2717

The purpose and intent of this measure is to establish an offense for a person knowingly capturing, possessing, abusing, or entangling any shark, whether alive or dead, or killing any shark, within state marine waters, subject to penalties and fines, with certain exceptions.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, The Humane Society of the United States, Humane Society International, Hawai'i Reef and Ocean Coalition, Office of Hawaiian Affairs, Climate Protectors Coalition, Moana Ohana, For the Fishes Pono Advocacy, Animal Rights Hawai'i, and thirteen individuals. Your Committee received testimony in opposition to this measure from five individuals. Your Committee received comments on this measure from One Ocean Conservation, and three individuals.

Your Committee finds that sharks are extremely important to ocean ecosystems because they bring balance, regulate populations of other marine life, and ensure healthy fish stock and reefs. Your Committee further finds that sharks play a vital historical and cultural role in Hawaii, including native Hawaiian customary and traditional rights protected by the Hawaii State Constitution. In 2010, Hawaii became the first state in the nation to enact a prohibition on the sale of shark fins and fin products; however, the law does not prohibit the killing of whole live sharks in state waters. Your Committee finds that the State should better protect Hawaii's valuable sharks. This measure makes it unlawful for a person to knowingly capture, possess, abuse, or entangle any shark, whether alive or dead, or kill any shark, within state marine waters, unless exempted.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2717, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3270 Judiciary on S.B. No. 2672

The purpose and intent of this measure is to require a vehicle approaching a crosswalk from the opposite direction of another vehicle stopped at that crosswalk to yield and not proceed until a pedestrian, if any, has crossed the roadway.

Your Committee received testimony in support of this measure from the Department of Transportation, Hawaii Bicycling League, Kauai Police Department, and twenty-two individuals.

Your Committee finds that according to the Fatality Analysis Reporting System, there were one hundred and eight motor vehicle related fatalities on Hawaii's roadways in 2019, with thirty-four percent of those fatalities involving pedestrians. Existing law requires that, when a pedestrian is in a crosswalk, only vehicles on the same side of the intersection of the crosswalk are required to stop for the pedestrian. There is no requirement that vehicles on the opposite side of the intersection also stop for the pedestrian in the crosswalk, which can create significant risks. This measure will enhance pedestrian safety and require vehicles approaching a crosswalk from the opposite direction to stop and wait until the pedestrian has crossed the roadway before proceeding.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2672 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3271 Judiciary on S.B. No. 2673

The purpose and intent of this measure is to establish the right of postsecondary student athletes in intercollegiate athletics to receive compensation for the use of their name, image, or likeness.

Your Committee received testimony in opposition to this measure from the University of Hawai'i System. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that college athletes are prohibited from receiving compensation for the use of their name, image, or likeness even though top athletes bring large profits to the universities for which they compete on behalf of. In 2019, the National Collegiate Athletic Association announced its intent to allow student athletes to be compensated for the use of their name, image, or likeness, although more work is being done to develop the rules for implementation. This measure establishes a student athlete bill of rights to enable athletes in intercollegiate athletics throughout the State to receive compensation for the use of their name, image, or likeness.

Your Committee has amended this measure by:

- (1) Inserting a preamble stating that this measure is a matter of statewide concern that addresses a legitimate and significant public purpose;
- (2) Applying it to all postsecondary institutions, not just the University of Hawaii;
- (3) Clarifying that to the extent allowed by law, no postsecondary educational institution shall prevent a student athlete of the institution participating in intercollegiate athletics from earning compensation as a result of the use of the student athlete's name, image, or likeness;
- (4) Inserting an effective date of June 18, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2673, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2673, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3272 Judiciary on S.B. No. 2836

The purpose and intent of this measure is to give agencies more flexibility and online options to provide enhanced digital services to the public to better serve the public and businesses.

Your Committee received testimony in support of this measure from the State Procurement Office and Office of Enterprise Technology Services. Your Committee received comments on this measure from the Disability and Communication Access Board and one individual.

Your Committee finds that to better serve the public and businesses, the State must align current practices of various departments and agencies that use multiple internet services. This measure gives departments and agencies more flexibility to deliver digital services to the public and better coordinate the multiple Internet services used by the State to take better advantage of new technologies and portal services available on the constantly evolving Internet.

Your Committee has amended this measure by:

- (1) Adding a member to the Access Hawaii Committee to be appointed by the Disability and Communication Access Board; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2836, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2836, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3273 Judiciary on S.B. No. 2828

The purpose and intent of this measure is to:

- (1) Specify that fire safety use is a beneficial use of water; and
- (2) Require the Department of Land and Natural Resources to work with the county governments, Hawaii Emergency Management Agency, and owners to use reservoir water for fire safety.

Your Committee received testimony in support of this measure from Mahi Pono and two individuals. Your Committee received testimony in opposition to this measure from the Office of Hawaiian Affairs. Your Committee received comments on this measure from the Hawaii Emergency Management Agency and Department of Land and Natural Resources.

Your Committee finds that drought conditions have persisted in parts of the State for many years and, together with other unavoidable factors, including human ignitions and fire-prone vegetation, wildfires have and will continue to be a significant threat to communities. Your Committee further finds that authorizing reservoir water use for fire safety will help to fight against further devastation and keep communities safe from these destructive occurrences. This measure requires cooperation from multiple entities to find ways to enable the use of reservoir water for fire safety while balancing other important water uses.

Your Committee has amended this measure by:

- (1) Deleting language that would have amended section 179D-6, Hawaii Revised Statutes, to require the Board of Land and Natural Resources to work with the county governments, Hawaii Emergency Management Agency, and owners to use reservoir water for fire safety;
- (2) Amending section 185-1.5, Hawaii Revised Statutes, to require the Department of Land and Natural Resources, in consultation with the Hawaii Emergency Management Agency and the Office of Hawaiian Affairs, to cooperate with the counties and reservoir owners to develop protocols and agreements for the use of reservoir waters for fire safety purposes; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2828, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2828, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3274 Judiciary on S.B. No. 2953

The purpose and intent of this measure is to:

- (1) Make clarifications regarding the removal of unauthorized vessels on state property and the definition of an abandoned vessel;
- (2) Change the time limit to claim an unauthorized vessel that is impounded by the Department of Land and Natural Resources from thirty days to ten working days;

- (3) Change the time limit to claim an abandoned vessel that is impounded by a state or county agency from twenty days to ten working days;
- (4) Make abandonment of a vessel on waters of the State or public property a petty misdemeanor;
- (5) Make clarifications to auction requirements regarding abandoned vessels;
- (6) Set the time limit for a vessel owner or operator to remove unauthorized, abandoned, and grounded vessels at twenty-four hours;
- (7) Allow the Department of Land and Natural Resources to charge an impound storage fee; and
- (8) Provide that the owner, lienholder, or operator of an impounded vessel shall have five working days to request an administrative hearing.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Waikiki Neighborhood Board, and two individuals. Your Committee received testimony in opposition to this measure from the Ocean Tourism Coalition, 'Au'au Kai Inc., Calypso Charters, Trilogy Corporation, and four individuals.

Your Committee finds that since 2002, the Department of Land and Natural Resources' Division of Boating and Ocean Recreation has expended in excess of \$2,340,000 from the Boating Special Fund to address unauthorized, abandoned, grounded, and derelict vessels on state property or on waters of the State. Existing law prevents the Department of Land and Natural Resources to begin removing an unauthorized, abandoned, grounded, or derelict vessel until certain conditions are met. In many instances, the delay results in a deteriorated condition of the vessel, further complicating removal efforts and increasing the potential to create health, safety, and natural resource hazards. This measure amends provisions regarding such vessels on state property or on waters of the State to facilitate faster responses by the Department of Land and Natural Resources.

Your Committee has amended this measure by:

- (1) Inserting language to stipulate that the vessel must be removed within seventy-two hours from the time the notice was posted; provided that if the vessel is in imminent danger of breaking up or poses a hazard to public health or safety, the notice shall indicate that the vessel must be removed within twenty-four hours from the time the notice was posted;
- (2) Providing that impound storage fees shall be equal to the rate set by the Department of Land and Natural Resources for vessels moored without a valid permit;
- (3) Setting payment of proceeds to the general fund as last in the list of payee priorities;
- (4) Restoring the time limit for a vessel owner or operator to remove unauthorized, abandoned, and grounded vessels to seventy-two hours;
- (5) Requiring that all criminal fines be deposited into the general fund;
- (6) Specifying when the Department of Land and Natural Resources may immediately remove certain vessels from state submerged land, shorelines, coral reef, sand beaches, sandbars, or mudflats;
- (7) Making it effective upon its approval; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2953, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2953, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3275 Judiciary on S.B. No. 3153

The purpose and intent of this measure is to, beginning January 1, 2025, prohibit:

- (1) The confinement of specified farm animals in a cruel manner; and
- (2) Business owners and operators from selling certain products made from those animals.

Your Committee received testimony in support of this measure from The Humane Society of the United States, Natural Resources Defense Council, Climate Protectors Coalition, Hawai'i Center for Food Safety, Center for Biological Diversity, Animal Equality, Love of Life Farm, Villa Rose Egg Farm, Friends of the Earth, Hawaiian Egg Company, Animal Rights Hawai'i, Humane Society International, and eight individuals. Your Committee received testimony in opposition to this measure from Island Farms and three individuals. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that certain methods of farm animal containment are cruel to animals and threaten human health and safety by increasing the risk of foodborne illness. Often, farm animals, such as pigs and chickens, are confined to small cages that limit their natural movement and increase the risk for the spread of foodborne pathogens. This measure prevents cruelty to farm animals and increases food safety by phasing out extreme methods of farm animal confinement and the sale of products produced through extreme confinement.

Your Committee has amended this measure by:

- (1) Applying the prohibition beginning December 31, 2025;

- (2) Deleting the criminal penalty of misdemeanor for violations; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3153, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3153, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3276 Judiciary on S.B. No. 2381

The purpose and intent of this measure is to establish required shoreline setbacks of not less than forty feet inland from the shoreline and an altitude of at least two meters above sea level.

Your Committee received testimony in support of this measure from two individuals. Your Committee received testimony in opposition to this measure from the Land Use Research Foundation of Hawaii. Your Committee received comments on this measure from the Department of Land and Natural Resources, Office of Planning, and County of Hawai'i Planning Department.

Your Committee finds that coastal real property in the State is vulnerable to coastal erosion and flooding from tsunamis, storms, and high waves: hazards that are being exacerbated by sea level rise and climate change. Your Committee further finds that numerous court decisions have affirmed that privately-owned oceanfront land is lost when shorelines undergo landward retreat, thus making oceanfront properties smaller. Since oceanfront properties experience landward retreat, building setbacks need to be adjusted to respond to this new geographic landscape. This measure, therefore, establishes greater shoreline setback requirements.

Your Committee notes that the requisite shoreline setback should be established at forty feet inland of the high-water mark and an altitude of at least two meters above the shoreline. Your Committee understands that such a setback requirement could create a parcel of land that is safe for building yet surrounded by setback areas. Your Committee believes this to be acceptable with the appropriately designed infrastructure.

Accordingly, your Committee has amended this measure by specifying that the setback established along shorelines are not less than an altitude of at least two meters above the shoreline, rather than sea level.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2381, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2381, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Gabbard).

SCRep. 3277 Judiciary on S.B. No. 2386

The purpose and intent of this measure is to:

- (1) 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; and
- (2) Require no less than a one-half mile buffer zone for the construction, operation, modification, or expansion of a waste or disposal facility.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Iron workers Stabilization Fund; Association of Hawaiian Civic Clubs; Moku o Keawe, Association of Hawaiian Civic Clubs – Hawai'i Council; International Alliance of Theatrical Stage Employees Local 665; UNITE HERE! Local 5; Prince Kūhiō Hawaiian Civic Club; International Longshore and Warehouse Union Local 142; Hawaii State Teachers Association; International Brotherhood of Electrical Workers Local Union 1186; Hawaii Building and Construction Trades Council; Sierra Club of Hawai'i; Surfrider Oahu; Ke One O Kākuhihewa, O'ahu Council of the Association of Hawaiian Civic Clubs; SAG-AFTRA; Pride at Work Hawaii; Moku o Manokalanipō, Kaua'i Council of the Association of Hawaiian Civic Clubs; Surfrider Foundation; United Public Workers; and seven individuals. Your Committee received testimony in opposition to this measure from the Department of Health; General Contractors Association of Hawaii; and PVT Land Company, Ltd. Your Committee received comments from the Department of Land and Natural Resources.

Your Committee finds that conservation districts are protected lands that should not be used for waste disposal facilities. Your Committee further finds that persons residing near landfills, including residents of the Ma'ili and Nanakuli communities, suffer negative health impacts and a lowered quality of life. This measure protects Hawaii's conservation lands and public health by requiring buffer zones for waste or disposal facilities and restricting their placement on conservation lands.

Your Committee has amended this measure by:

- (1) Inserting a definition of the term "buffer zone";
- (2) Exempting from the buffer zone requirement the continued operation of an existing waste or disposal facility that is properly permitted; provided that continued operation does not require a physical expansion, vertical or horizontal, of the facility requiring additional permitting review and a permit modification; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2386, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2386, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3278 Judiciary on S.B. No. 2402

The purpose and intent of this measure is to:

- (1) Authorize a court to order the forfeiture of one-half of the Employees' Retirement System (ERS) benefits of an ERS member, former member, or retirant upon conviction of the individual for a felony related to the state or county employment of the individual; and
- (2) Authorize designated beneficiaries to receive one-half of the ERS benefits upon the death of the ERS member, former member, or retirant convicted of the felony.

Your Committee received testimony in support of this measure from Common Cause Hawaii, Pono Hawai'i Initiative, and six individuals. Your Committee received comments on this measure from the State of Hawaii Employee's Retirement System.

Your Committee finds that Hawaii is one of thirteen states, including the District of Columbia, that does not have any law that governs the forfeiture of public pensions for public employees who are convicted of a felony. This measure requires the ERS to comply with a court decree for the forfeiture of one-half of the retirement benefits of a member convicted of a felony that the court finds to be related to the employment of the member and to accordingly allow designated beneficiaries to receive one-half of the benefits after the death of the retiree.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2402, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2402, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3279 Judiciary on S.B. No. 2422

The purpose and intent of this measure is to:

- (1) Prohibit roofing contractors from advertising or promising to pay or rebate a property insurance deductible, or any portion thereof, to induce an insured homeowner to purchase goods or services;
- (2) Allow an insured to rescind a contract with a roofing contractor within five business days of receiving notice from their insurer that all or any part of the claim or contract is not a covered loss under the insured's property or casualty insurance policy;
- (3) Require roofing contractors to deliver certain forms to consumers advising them of their legal right to rescind the contract;
- (4) Require roofing contractors to return funds to a consumer in certain circumstances;
- (5) Prohibit roofing contractors from representing or negotiating, or offering or advertising to represent or negotiate, on behalf of an insured any insurance claim in connection with the repair or replacement of roof systems, or the performance of any other exterior repair, replacement, construction, or reconstruction work; and
- (6) Allow the Contractors License Board to revoke, suspend, or refuse to renew a contractor's license if the licensee performs as a public adjuster without the appropriate insurance license.

Your Committee received testimony in support of this measure from the Hawaii Insurers Council, Hawaii Public Adjusters, and National Insurance Crime Bureau. Your Committee received testimony in opposition to this measure from the Contractors License Board, Roofing Contractors Association of Hawaii, and two individuals. Your Committee received comments from State Farm Mutual Automobile Insurance Company.

Your Committee finds that there are individuals referred to as "storm chasers" in the roofing industry who make unsolicited offers to homeowners to repair their houses or roofs after significant weather events, predicated on the homeowners receiving insurance proceeds for the repairs. In cases where there has been substantial damage that would require a new roof, there is not usually a problem with these types of contracts; however, often a subsequent inspection is performed by a qualified insurance public adjuster, who may determine that the roof sustained only minimal or no damage and limits the claim to the cost to repair the damage, rather than the cost to replace the entire roof. In these situations, homeowners find themselves responsible for the cost of an entire roof replacement with minimal or no insurance coverage. This measure protects consumers from "storm chaser" roof repairers.

Your Committee has amended this measure by:

- (1) Amending language to allow the Contractors License Board to revoke, suspend, or refuse to renew a contractor's license if the contractor performs as a public adjuster without the requisite insurance license; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2422, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2422, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3280 Judiciary on S.B. No. 2523

The purpose and intent of this measure is to require the Director of Public Safety to include in the report regarding a death at a correctional facility or a community correctional center that is submitted to the Governor, a description of the circumstances and cause of death of the individual in a manner that does not identify the decedent.

Your Committee received testimony in support of this measure from the Community Alliance on Prisons, Hui Aloha ʻĀina o Ka Lei Maile Aliʻi, and six individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Public Safety.

Your Committee finds that, according to the testimony of the Department of Public Safety, the Department of the Attorney General has cautioned that release of certain information regarding the death of incarcerated persons, including the decedent's name, may be in violation of the federal Health Insurance Portability and Accountability Act. However, your Committee further finds that the Arizona Department of Corrections and Nevada Department of Corrections currently post information on their respective websites listing the deaths of incarcerated persons, including the person's name. Your Committee believes that the Department of Public Safety should be required to demonstrate similar transparency and release the name of any incarcerated person who dies while in the custody of the Department.

Your Committee has amended this measure by:

- (1) Requiring the Director of Public Safety to include the name of the decedent in the report;
- (2) Inserting an effective date of June 18, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2523, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2523, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3281 (Joint) Judiciary and Ways and Means on S.B. No. 146

The purpose and intent of this measure is to:

- (1) Specify the testing procedures to be followed by the State Fire Council under the Reduced Ignition Propensity Cigarette Program;
- (2) Authorize civil penalties for manufacturers whose brand or style of cigarettes have a certain failure rate under the Reduced Ignition Propensity Cigarette Program; and
- (3) Authorize the State Fire Council to expend money in the Reduced Ignition Propensity Cigarette Program Special Fund for community fire education, safety and prevention, and preparedness and life safety programs, as well as administrative costs.

Your Committees received testimony in support of this measure from the State Fire Council, Honolulu Fire Department, County of Maui Department of Fire and Public Safety, Kauaʻi Fire Department, and one individual.

Your Committees find that Act 218, Session Laws of Hawaii 2008, requires that only cigarettes that are certified by the State Fire Council under the Reduced Ignition Propensity Cigarette Program be sold in the State. Since 2010, the program has generated an average annual revenue of nearly \$130,000. This measure would allow the State Fire Council to fulfill its mission with this existing revenue to properly support the educational programs and training for a comprehensive fire service emergency management network for the protection of life, property, and the environment in the State.

Your Committees have amended this measure by:

- (1) Providing that fifty brand or style cigarette packs shall be selected by the State Fire Council for testing;
- (2) Specifying that, in the event a manufacturer's brand or style of cigarettes fails the reduced ignition propensity test, the manufacturer shall remove the failed brand or style of cigarettes from sale in the State within thirty days of notice of the test failure;
- (3) Providing that a manufacturer may appeal a determination by the State Fire Council that a cigarette brand or style has failed the reduced ignition propensity test;
- (4) Clarifying that entities that may be fined for violations may include manufacturers whose brand or style cigarette has a failure rate of twenty-five percent of the first fifty pack test and twenty-five percent or greater of the second forty pack test;
- (5) Providing that testing performed or sponsored by the State Fire Council to determine a cigarette's compliance with the performance standard required shall be exempt from the State Procurement Code;
- (6) Inserting an effective date of June 18, 2050, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 146, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 146, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4; Ayes with Reservations (Kim, Fevella). Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 9; Ayes with Reservations (Fevella). Noes, none. Excused, 4 (Harimoto, Inouye, Kahele, Taniguchi).

SCRep. 3282 (Majority) Judiciary on S.B. No. 2519

The purpose and intent of this measure is to:

- (1) Prohibit the possession of large-capacity magazines for all types of firearms, unless it was already legally in possession of an individual or unless used for law enforcement purposes;
- (2) Require every person in the State in possession of a detachable ammunition magazine to register the magazine with the appropriate county police department; and
- (3) Prohibit the sale, barter, trade, gift, transfer, or acquisition, except by means of inheritance, of a detachable ammunition magazine legally in an individual's possession and require the inheritor to update the registration with the appropriate county police department.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Save Medicaid Hawaii, Filipina Advocacy Network, Church of the Crossroads, Americans for Democratic Action, Hawaii Coalition to Prevent Gun Violence, and nineteen individuals. Your Committee received testimony in opposition to this measure from the Honolulu County Republican Party, Hawaii Cattlemen's Council, Hawaii Firearms Coalition, Pu'uoloa Rifle and Pistol Club, KMConcepts, one board member of the Hawaii Rifle Association, and forty-seven individuals. Your Committee received comments on this measure from the Mayor of Hawai'i County and Bushido Arms and Ammunition, LLC.

Your Committee finds that according to the Giffords Law Center to Prevent Gun Violence, large-capacity magazines have been used in all ten of the deadliest mass shootings that have occurred in the last decade. Large-capacity magazines enable a shooter to fire repeatedly without needing to reload, significantly increasing the shooter's ability to quickly injure and kill large numbers of people. The amount of time a shooter needs to reload a weapon can be a critical factor in allowing would-be victims to escape and for law enforcement or other persons to intervene. This measure improves the State's gun safety laws by prohibiting the new acquisition and use of large-capacity magazines for firearms that can hold more than ten rounds of ammunition.

Your Committee further finds that reasonable regulation of firearms and ammunition is permissible under the United States Constitution. In *District of Columbia v. Heller*, 554 U.S. 570 (2008), the United States Supreme Court for the first time found that the second amendment to the constitution conferred an individual right to bear arms; however it also held that "it is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." *Id.* at 626.

Because the Honolulu Police Department testified that the counties do not have the ability to register large-capacity magazines, your Committee has amended this measure by:

- (1) Deleting language that would have required every person in the State who was in possession of a detachable ammunition magazine with a capacity in excess of ten rounds prior to the effective date of this measure, or who inherits such, to register the magazine with the county police department where the magazine is located;
- (2) Making it effective upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2519, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2519, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, 1 (Fevella). Excused, none.

SCRep. 3283 (Joint/Majority) Judiciary and Ways and Means on S.B. No. 2414

The purpose and intent of this measure is to require that each ballot display candidates for the Office of Hawaiian Affairs Board of Trustees by residency and non-residency requirements and to randomize the order of candidate names within those groupings.

Your Committees received testimony in support of this measure from one individual. Your Committees received comments on this measure from the Office of Elections.

Your Committees find that numerous studies show that the candidate listed first on a ballot has an advantage. Under existing law, candidates' names are listed in alphabetical order from top to bottom, giving advantage to whomever's surname begins at the start of the alphabet. Therefore, your Committees find that to ensure that candidates are not given an advantage due to ballot placement of their name, placement of candidate's names should be randomized. This measure would require that all candidate names for the Office of Hawaiian Affairs Board of Trustees be randomized on the ballot.

Your Committees have amended this measure by:

- (1) Clarifying that the names of the candidates for the Office of Hawaiian Affairs Board of Trustees shall be in random order within the groupings by residency requirement;
- (2) Inserting an effective date of June 18, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2414, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2414, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 9. Noes, 1 (Kidani). Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3284 Judiciary on S.B. No. 2630

The purpose and intent of this measure is to prohibit the imposition of restrictions on a person's ability to obtain or renew a driver's license or to register, renew the registration of, or transfer or receive title to a motor vehicle, as a consequence of unpaid monetary obligations. Provided however that this prohibition would not apply to driver's license suspensions related to excessive speeding, lack of motor vehicle insurance, or non-compliance with a child support order.

Your Committee received testimony in support of this measure from the Pono Hawai'i Initiative, American Civil Liberties Union Hawai'i, Parents and Children Together, and Hawaii Children's Action Network Speaks!. Your Committee received comments on this measure from the Hawaii State Judiciary and Office of Hawaiian Affairs.

Your Committee finds that under existing law, an individual may be barred from obtaining or renewing a driver's license or motor vehicle registration if the individual has unpaid civil fines. The inability to obtain or renew a driver's license prevents people who have not committed a crime from getting to work, picking up their children, keeping medical appointments, and ultimately from escaping debt. Allowing driver's licenses to be suspended due to unpaid debt effectively penalizes poverty. This measure prohibits the imposition of restrictions on a person's ability to obtain or renew a driver's license or to register, renew the registration of, or transfer or receive title to a motor vehicle, as a consequence of unpaid civil fines accrued after the passage of this measure.

Your Committee has amended this measure by:

- (1) Inserting an effective date of September 1, 2020;
- (2) Deleting the retroactive application of the prohibition and applying it prospectively to citations issued on or after September 1, 2020; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2630, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2630, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3285 (Joint) Judiciary and Ways and Means on S.B. No. 591

The purpose and intent of this measure is to increase the amount of damages allowed for public school restitution agreements from \$3,500 to \$10,000.

Your Committees received testimony in support of this measure from the Department of Education.

Your Committees find that existing law allows for restitution agreements regarding student caused vandalism when the student and parents agree with the findings of the principle's investigation and the manner in which restitution is to be made. Restitution agreements must be in writing and only for damages that do not exceed the statutory cap, which this measure will increase from \$3,500 to \$10,000. Once the restitution agreement is made, then no information about the investigation, conference, and the actions taken shall be communicated to any person not directly involved in the proceedings.

Your Committees raise concerns that restricting any communication of information regarding instances of vandalism that result in substantial damages may be problematic and, therefore, encourages discussion as to whether the Board of Education or Attorney General should receive information in appropriate cases, as this measure proceeds.

Your Committees have amended this measure by inserting an effective date of June 18, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 591, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 591, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3286 Judiciary on S.B. No. 2192

The purpose and intent of this measure is to:

- (1) Prohibit council, board, and commission members who fail to meet their training course completion requirement from serving on a permitted interaction group or voting on matters before their respective councils, boards, or commissions;
- (2) Require council, board, and commission members who fail to meet their training course completion requirement to complete their training requirement or be reconfirmed by the Senate by the end of the regular legislative session following their training course completion deadline;

- (3) Require the Office of Hawaiian Affairs and the Department of Land and Natural Resources to compile an annual report of council, board, and commission members who have failed to complete their training course requirement, and to submit the report to the Governor and Legislature no later than twenty days prior to the convening of the Regular Session;
- (4) Require four members of the Board of Land and Natural Resources to be nominated from a list provided to the Governor by the Office of Hawaiian Affairs; and
- (5) Require four members of the Land Use Commission to be nominated from a list provided to the Governor by the Office of Hawaiian Affairs.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs and three individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies.

Your Committee finds that the Hawaii State Constitution states that the State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural, and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights. This measure ensures that state decisions impacting the 'āina more meaningfully reflect the knowledge, rights, and perspectives of native Hawaiians whose culture, identity, and well-being are intrinsically tied to their ancestral lands.

Your Committee has amended this measure by:

- (1) Deleting language that would have required four members of the Board of Land and Natural Resources and four members of the Land Use Commission to be nominated from a list provided to the Governor by the Office of Hawaiian Affairs;
- (2) Requiring that at least one member of the Board of Land and Natural Resources and at least one member of the Land Use Commission be nominated from a list provided to the Governor by the Office of Hawaiian Affairs;
- (3) Inserting an effective date of June 18, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2192, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2192, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3287 (Joint) Judiciary and Ways and Means on S.B. No. 2137

The purpose and intent of this measure is to:

- (1) Require that a county with more than one island in its jurisdiction shall establish at least one voter service center on each island; and
- (2) Authorize election officials to establish additional voter service centers.

Your Committees received testimony in support of this measure from the Office of Elections, Office of Hawaiian Affairs, Office of the Maui County Clerk, Common Cause Hawaii, and one individual.

Your Committees find that Act 136, Session Laws of Hawaii 2019, converts Hawaii elections to a statewide vote-by-mail system beginning with the 2020 election year. Act 136 establishes a limited number of voter service centers that will remain open from the tenth business day preceding an election through the day of the election to receive personal delivery of mail-in ballots, offer same day registration and voting, and provide other election services. This measure requires voter service centers on specific islands and authorizes the establishment of additional voter service centers to ensure elections by mail may be properly administered this 2020 election year.

Your Committees have amended this measure by:

- (1) Exempting Niihau from the voter service center requirement;
- (2) Providing that all voter service centers shall remain open until 7:00 p.m. on the date of the election; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2137, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2137, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3288 Ways and Means on S.B. No. 31

The purpose and intent of this measure is to expand access to, and clarify eligibility for, the healthcare preceptor tax credit established by section 235-110.25, Hawaii Revised Statutes, and thus increase the number of healthcare providers serving as volunteer preceptors who train and prepare students for careers in the healthcare industry.

More specifically, this measure:

- (1) Amends the definition of “preceptor” by repealing the requirement that a preceptor maintain a “professional primary care practice” and instead requiring the preceptor to maintain a “professional practice” and to have a specialty that supports the development and training of an eligible student in primary care;
- (2) Amends the definition of “volunteer-based supervised clinical training rotation” to specify that while a preceptor may be compensated for providing standard clinical services, the preceptor shall not be compensated for clinical training provided under certain circumstances or compensated from state funds or tuition funds for clinical training services provided; and
- (3) Revises the membership of the Preceptor Credit Assurance Committee to include the Director of Health.

Your Committee received written comments in support of this measure from the Department of Health, Department of Taxation, Hawaii State Center for Nursing, Hawaii Primary Care Association, The Queen’s Health Systems, Hawaii Pacific Health, University of Hawaii, Hawaii-American Nurses Association, Hawaii State Rural Health Association, and six individuals.

The Tax Foundation of Hawaii submitted written comments on this measure.

Your Committee finds that expanding access to the healthcare preceptor tax credit will help to address the State’s shortage of healthcare providers by incentivizing additional persons to offer professional instruction, training, and supervision to students and residents seeking careers as healthcare providers.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 31, S.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 31, S.D. 3.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Kahele, Taniguchi).

SCRep. 3289 Ways and Means on S.B. No. 1431

The purpose and intent of this measure is to encourage investment in the deployment of seawater air conditioning as a renewable energy technology by expanding the renewable energy technologies income tax credit to include commercial seawater air conditioning systems that are connected to a seawater air conditioning district cooling system.

Your Committee received written comments in support of this measure from Honolulu Seawater Air Conditioning LLC, Ulupono Initiative, 350 Hawaii, and one individual.

The Department of Taxation, Hawaii State Energy Office, and Tax Foundation of Hawaii submitted written comments on this measure.

Your Committee finds that expanding the application of the tax credit to include commercial seawater air conditioning systems will promote the adoption of commercial seawater air conditioning systems and thus further the State’s clean energy goals by decreasing electricity use and reducing demand for fresh water.

Your Committee has amended this measure by:

- (1) Specifying that the Hawaii State Energy Office shall certify tax credits for commercial seawater air conditioning systems;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1431, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1431, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3290 Ways and Means on S.B. No. 2072

The purpose and intent of this measure is to support the State’s renewable energy goals.

More specifically, the measure:

- (1) Requires the Hawaii State Energy Office to establish a strategic plan that outlines benchmarks for the State to achieve a one hundred percent renewable energy portfolio standard by December 31, 2045; and
- (2) Appropriates moneys for the development of the strategic plan.

Your Committee received written comments in support of this measure from the Hawaii State Energy Office; 350 Hawaii; Big Island Community Coalition; Climate Protectors Coalition; Hawaiian Electric Company, Inc.; IMUA Alliance; Ulupono Initiative; and numerous individuals.

Your Committee received written comments on this measure from the Department of Business, Economic Development, and Tourism.

Your Committee finds that the Hawaii State Energy Office should be the lead entity to develop and communicate a strategy to determine how renewable energy projects can be sited to minimize impacts and address community concerns, as well as to assess how Hawaii's several related statutes regarding renewable energy, energy efficiency, and its zero emissions clean economy target will be achieved.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Adding, as part II of the measure, the substance of S.B. No. 2547, S.D. 1, which requires the Hawaii Natural Energy Institute to conduct a feasibility study on the State's ability to achieve its renewable energy goals by 2045, and report its findings to the Legislature;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2072, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2072, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Fevella). Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3291 Ways and Means on S.B. No. 2129

The purpose and intent of this measure is to authorize the State Fire Council to administer and expend funds from the reduced ignition propensity cigarette program special fund to support statewide fire prevention and safety programs.

Your Committee received written comments in support of this measure from the Hawaii State Fire Council, County of Kauai, and Maui Fire Department.

Your Committee finds that additional funding and the authorization to expend funds will help the State Fire Council fulfill its mission of supporting a comprehensive fire service emergency management network to protect life, property, and the environment in the State.

Your Committee notes that the State Fire Council and county fire departments have requested an appropriation of \$150,000 for fiscal year 2020-2021.

Your Committee has amended this measure by:

- (1) Making an appropriation of an unspecified sum; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2129, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2129, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3292 Ways and Means on S.B. No. 2179

The purpose and intent of this measure is to protect the public from career criminals by providing a \$350,000 grant-in-aid to the Career Criminal Prosecution Unit of the Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee received written comments in support of this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, and Office of the Prosecuting Attorney of the County of Hawaii.

Your Committee finds that the funding provided by this measure is necessary for the continued operation of the Career Criminal Prosecution Unit, which prosecutes cases alleging serious crimes committed by multiple-felony and repeat-felony offenders.

Your Committee has amended this measure by:

- (1) Changing the appropriation amount to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2179, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2179, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3293 Ways and Means on S.B. No. 2331

The purpose and intent of this measure is to authorize the issuance of special purpose revenue bonds to assist Keahole FBO I LLC, a Hawaii limited liability company, with planning, designing, constructing, equipping, and operating aviation facilities and services at Ellison Onizuka Kona International Airport at Keahole.

Your Committee received written comments in support of this measure from Keahole FBO I LLC and two individuals.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that the commercial and public aviation operations proposed by Keahole FBO I LLC are expected to generate revenues for the State through taxes, fuel sales, lease rents, job creation, and tourism.

Your Committee has amended this measure by:

- (1) Specifying that the Department of Budget and Finance may issue special purpose revenue bonds after June 30, 2025, rather than June 30, 2024, to refund the special purpose revenue bonds authorized by the measure;
- (2) Changing the total dollar amount of the special purpose revenue bonds authorized by the measure to an unspecified sum;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2331, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2331, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3294 Ways and Means on S.B. No. 2337

The purpose and intent of this measure is to establish and fund six long-term care ombudsman positions within the Executive Office on Aging.

Your Committee received written comments in support of this measure from the Hawaii Long-Term Care Ombudsman Program, Mayor's Office for the County of Hawaii, Hawaii Disability Rights Center, AARP Hawaii, Americans for Democratic Action Hawaii, International Longshore and Warehouse Union Local 142, and nine individuals.

Your Committee received written comments on this measure from the Executive Office on Aging.

Your Committee finds that ombudsman positions are critical to ensuring that long-term care facilities are providing appropriate and compassionate care and that long-term care residents receive the services they need.

Your Committee has amended this measure by:

- (1) Amending the preamble to clarify that the Long-Term Care Ombudsman Program lacks sufficient staff to visit each facility on a quarterly basis;
- (2) Changing the number of funded positions from six full-time equivalent positions to five full-time equivalent positions and making conforming amendments;
- (3) Changing the appropriation to an unspecified amount;
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2337, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2337, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3295 Ways and Means on S.B. No. 2406

The purpose and intent of this measure is to require and appropriate funds for certain county police departments to purchase and deploy explosion detection technology for departmental use.

Your Committee received written comments in support of this measure from one individual.

Your Committee received written comments on this measure from the Honolulu Police Department.

Your Committee finds that illegal gunfire and illegal fireworks use pose safety risks and health hazards to the State's visitors and residents. Your Committee further finds that explosion detection technology like the technology required and funded by this measure is used successfully in more than ninety cities nationwide to allow law enforcement agencies to rapidly detect and respond to explosive-related crimes.

Your Committee has amended this measure by:

- (1) Clarifying that the appropriation and expenditure provisions shall apply to each county having a population of less than five hundred thousand;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2406, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2406, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3296 Ways and Means on S.B. No. 2458

The purpose and intent of this measure is to require and appropriate funds for the Department of Health to create and host an informational website and educational outreach campaign on the effects of excessive screen time on the mental health and relationships of children and teens.

Your Committee received written comments in support of this measure from the Department of Health and four individuals.

Your Committee received written comments on this measure from one individual.

Your Committee finds that the informational website and public outreach campaign on the risks of excessive digital image screen time will give parents in the State convenient access to evidence-based research and guidelines on the topic from numerous national authorities.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2458, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2458, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3297 Ways and Means on S.B. No. 2468

The purpose and intent of this measure is to support community rehabilitation programs that employ persons with disabilities.

Specifically, this measure:

- (1) Allows a community rehabilitation program for persons with disabilities to be considered qualified for purposes of the State's procurement code without requiring a federal or state certification that authorizes the payment of a subminimum wage to workers in the program; and
- (2) Requires a qualified community rehabilitation program to maintain a certain disabled to non-disabled employee ratio for work hours of direct labor for the work contracted.

Your Committee received written comments in support of this measure from the State Council on Developmental Disabilities, National Federation of the Blind of Hawaii, Democratic Party of Hawaii Labor Caucus, Hawaii Appleseed Center for Law and Economic Justice, and several individuals.

Your Committee received written comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that the State Procurement Code currently requires community rehabilitation programs employing persons with disabilities to hold a federal and state subminimum wage certificate in order to qualify for government contracts under section 103D-1010, Hawaii Revised Statutes, even though many of these community rehabilitation programs do not pay subminimum wages.

Your Committee has amended this measure by making technical nonsubstantive changes for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2468, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2468, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3298 Ways and Means on S.B. No. 2504

The purpose and intent of this measure is to establish a working group to assist in transitioning the Oahu Regional Health Care System into the Department of Health.

Your Committee received written comments in support of this measure from the Department of Health, Oahu Region Hawaii Health Systems Corporation, Hilo Medical Center, United Public Workers, and one individual.

Your Committee received comments on this measure from the State Procurement Office, Hawaii Health Systems Corporation, and Hawaii Government Employees Association.

Your Committee finds that the Oahu Regional Health Care System operates autonomously from the Hawaii Health Systems Corporation and could be strategically assimilated into the Department of Health with proper planning and implementation.

Your Committee acknowledges the concerns of the State Procurement Office that if the Oahu Regional Health Care System is transferred to the Department of Health and continues to be exempt from the procurement code, inclusive of Chapters 103D and 103F, Hawaii Revised Statutes, oversight will be limited. Additionally, the State Procurement Office notes that it would be challenging for the Department of Health to oversee the various hospitals under their management if they follow different procurement processes and requirements. The State Procurement Office explained that the State Hospital and the department itself are required to adhere to the procurement code. Accordingly, if other institutions are transferred into the department, those institutions should also be required to adhere to the code.

Your Committee also acknowledges the concerns of the Hawaii Health Systems Corporation, which noted that the measure seeks to accelerate the transfer of certain functions from the corporation to the Department of Health, but that expediting the transfer must be done in a legally and administratively compliant manner. Specifically, funds must transfer at the same time as legal responsibilities, yet part III of the measure requires that the budget of the Oahu Regional Health Care System be transferred to the department by June 30, 2020, prior to the completion of the entire transfer. Also, the corporation noted that only one entity can be legally responsible for services provided and billed for, yet part II of the measure gives the Director of Health the sole decision-making authority over all corporation board matters concerning the Oahu Regional Health Care System for the transitional period beginning June 30, 2020, and continuing until the transition is complete.

Your Committee further acknowledges the Hawaii Health System Corporation's concerns over the transfer of personnel. The corporation specifically pointed out that it is unclear whether existing positions in the Oahu Regional Health Care System can be wholly transferred to the Department of Health or whether new positions will need to be created in the department. According to the corporation, if these positions remain on the payroll of the corporation, the funds must remain with the corporation until the positions are transferred.

Accordingly, your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2504, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2504, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3299 Ways and Means on S.B. No. 2531

The purpose and intent of this measure is to support the sustainability goals of the State.

Specifically, this measure appropriates funds for the forest stewardship program of the Department of Land and Natural Resources to increase its existing plant stocks, invest in public outreach, and renovate its equipment and facilities.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Sierra Club of Hawaii, Hawaii Center for Food Safety, and one individual.

Your Committee finds that there is a clear need to increase the capacity of the State's nurseries to meet the growing demand for seedlings and planting stock. Your Committee further finds that increasing this capacity will help to support climate change mitigation, carbon neutrality, forest restoration, wildlife habitat improvements, agroforestry development, and diversified agriculture.

Your Committee notes that the Department of Land and Natural Resources has identified the necessary improvements and upgrades required for its nurseries. The Department of Land and Natural Resources also indicated that it would need an additional \$200,000 each fiscal year to increase program reach and institute projects to meet this measure's purpose.

Your Committee has amended this measure by:

- (1) Correcting the reference to the College of Tropical Agriculture and Human Resources of the University of Hawaii;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2531, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2531, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3300 Ways and Means on S.B. No. 2587

The purpose and intent of this measure is to strengthen regulation over the payday lending industry by:

- (1) Establishing requirements for small dollar installment loans;
- (2) Requiring a person to be licensed in order to act as a small dollar lender;
- (3) Appropriating funds for the Division of Financial Institutions of the Department of Commerce and Consumer Affairs to hire examiners to carry out the purposes of the small dollar installment loan program;

- (4) Requiring a person to be registered in order to conduct business as a check casher; and
- (5) Requiring the Division of Financial Institutions of the Department of Commerce and Consumer Affairs to conduct an analysis of the regulation of payday lenders and deferred deposit agreements.

Your Committee received written comments in support of this measure from one individual.

Your Committee received written comments on this measure from the Division of Financial Institutions, Department of Commerce and Consumer Affairs.

Your Committee finds that this measure will close loopholes in the present laws that have allowed payday lenders to charge excessive interest rates, which in turn create a vicious cycle of dependency and debt among the State's most vulnerable individuals and families.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2587, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2587, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3301 Ways and Means on S.B. No. 2911

The purpose and intent of this measure is to add each county's fire chief and ocean safety director to the list of persons required to transmit boating reports to the Department of Land and Natural Resources.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that fire departments and ocean safety agencies are the entities that typically respond to boating incidents and that the inclusion of these agencies' reports will result in more comprehensive data that may aid efforts to increase boating safety.

Your Committee has amended this measure by changing its effective date to upon its approval.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2911, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2911, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3302 Ways and Means on S.B. No. 2935

The purpose and intent of this measure is to appropriate funds to the Department of Land and Natural Resources to improve aquatic biosecurity.

Specifically, this measure:

- (1) Establishes positions and appropriates funds to support the prevention, detection, and management of aquatic alien and invasive species associated with discharge from ocean vessels; and
- (2) Appropriates funds to support the ecosystem protection and restoration program for aquatic biosecurity.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Coordinating Group on Alien Pest Species, and one individual.

Your Committee finds that this measure will help to protect the State's vulnerable aquatic resources from the introduction and spread of non-native aquatic organisms by providing funding and positions to help ensure compliance with the federal Vessel Incidental Discharge Act of 2018.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2935, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2935, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3303 Ways and Means on S.B. No. 3061

The purpose and intent of this measure is to change the way the representatives of the Heeiea Community Development District, Kalaeloa Community Development District, and Kakaako Community Development District are nominated to serve on the Hawaii Community Development Authority.

Specifically, this measure:

- (1) Removes the authority of the county council of the county in which each community development district is located to nominate the members representing that community development district; and
- (2) Provides that of the three members representing each community development district, one member each shall be nominated by the President of the Senate and the Speaker of the House of Representatives.

Your Committee received written comments in support of this measure from Kakaako United, Hawaii's Thousand Friends, and three individuals.

Your Committee finds that because the Hawaii Community Development Authority is a state agency, it is appropriate for the Legislature, rather than the county councils, to nominate certain members of the authority representing the various community development districts.

Your Committee has amended this measure by:

- (1) Clarifying provisions relating to the nomination and appointment of Hawaii Community Development Authority board members who represent the various community development districts;
- (2) Providing that the Hawaii Community Development Authority shall not have jurisdiction over the development of lands under the jurisdiction of the Stadium Authority, unless authorized by the Stadium Authority;
- (3) Repealing certain statutory provisions to eliminate the stadium development district;
- (4) Amending Act 268, Session Laws of Hawaii 2019, by:
 - (A) Making the Stadium Authority, rather than the Hawaii Community Development Authority, responsible for expending the general funds and general obligation bond proceeds appropriated by that Act; and
 - (B) Authorizing the Stadium Authority, rather than the Hawaii Community Development Authority, to issue the revenue bonds authorized by that Act, and providing for the deposit of the revenue bond proceeds into an unspecified fund, rather than the Hawaii community development revolving fund;
- (5) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (6) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3061, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3061, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3304 Ways and Means on S.B. No. 3080

The purpose and intent of this measure is to appropriate supplemental funds for the Judiciary for the fiscal biennium beginning July 1, 2019, and ending June 30, 2021.

Your Committee received written comments in support of this measure from the Judiciary, Volunteer Legal Services Hawaii, and two individuals.

Your Committee finds that this measure is intended to meet the Judiciary's capital improvement project needs during the present fiscal biennium.

Your Committee has amended this measure by:

- (1) Adding a capital improvement project appropriation of \$4,000,000 in fiscal year 2020-2021 for plans and design for a new judiciary complex at the Wahiawa Civic Center in Wahiawa, Oahu;
- (2) Correcting the title and column headings for the program appropriations table in section 2 of the measure; and
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3080, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3080, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Kahele, Taniguchi).

SCRep. 3305 Ways and Means on S.B. No. 3084

The purpose and intent of this measure is to codify the State's Aloha+ Challenge goal of reducing the State's solid waste stream prior to disposal by seventy percent by 2030.

Your Committee received written comments in support of this measure from the Department of Health and one individual.

Your Committee finds that codifying the Aloha+ Challenge's goal of achieving a seventy percent reduction in the State's solid waste stream prior to disposal will help to accomplish the Challenge's overall goal of making the State's economy more secure, sustainable, and resilient by 2030.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3084, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3084, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (Kahale, Taniguchi).

SCRep. 3306 Ways and Means on S.B. No. 3090

The purpose and intent of this measure is to promote agricultural production in the State.

Specifically, this measure establishes an agricultural production tax credit.

Your Committee received written comments in support of this measure from the Department of Agriculture, Hawaii Food Industry Association, Hawaii Ulu Producers Cooperative, Hawaii Farm Bureau, Ulupono Initiative, and Kalona Brand Company.

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that one of the barriers to increasing agricultural production in the State is the lack of access to capital. Your Committee further finds that increasing agricultural production through an agricultural production tax credit will increase economic activity and create new jobs.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3090, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3090, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahale, Taniguchi).

SCRep. 3307 Ways and Means on S.B. No. 2619

The purpose and intent of this measure is to appropriate funds to provide support for the Career Criminal Prosecution Unit within the County of Hawaii Office of the Prosecuting Attorney.

Your Committee received written comments in support of this measure from the County of Hawaii Office of the Prosecuting Attorney and County of Hawaii Office of the Mayor.

Your Committee received written comments on this measure from the Department of the Attorney General.

Your Committee finds that this measure provides critical monetary support to continue the efficient and effective operations of prosecuting the disproportionate amount of serious crime committed by repeat felony offenders in the County of Hawaii.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2619, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2619, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahale).

SCRep. 3308 Ways and Means on S.B. No. 2623

The purpose and intent of this measure is to extend the coffee berry borer pesticide subsidy program and pesticide subsidy program manager position.

Your Committee received written comments in support of this measure from the Department of Agriculture, County of Hawaii Mayor's Office, Hawaii Farm Bureau, Kona Coffee Farmers Association, Land Use Research Foundation of Hawaii, Maui Chamber of Commerce, and two individuals.

Your Committee finds that extending the sunset date of the pesticide subsidy program will help to ensure that the program remains available to assist coffee growers' efforts to protect the growers' crops against the coffee berry borer.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2623, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2623, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3309 Ways and Means on S.B. No. 2647

The purpose and intent of this measure is to increase access to housing for section 8 voucher holders.

Specifically, this measure:

- (1) Establishes the landlord incentive program special fund to reimburse land owners who participate in the section 8 housing choice voucher program for repair costs of tenant-caused property damage when the repair costs exceed the tenant's security deposit; and
- (2) Appropriates moneys into and out of the landlord incentive program special fund.

Your Committee received written comments in support of this measure from the Hawaii Public Housing Authority and one individual.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that some landlords in the State are reluctant to lease their units to section 8 voucher holders, leaving many families with no choice but to return the voucher that they waited many years to receive. Your Committee further finds that the landlord incentive program special fund established by this measure will assist some of the State's most vulnerable families in finding suitable permanent housing.

Your Committee has amended this measure by:

- (1) Changing the amount appropriated into and out of the landlord incentive program special fund from \$450,000 to an unspecified sum;
- (2) Deleting an unnecessary provision that would only apply to the repeal of statutory material; and
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2647, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2647, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3310 Ways and Means on S.B. No. 2692

The purpose and intent of this measure is to ensure the preservation of the Na Wai Eha watershed in Wailuku, Maui.

Specifically, this measure appropriates an unspecified sum out of the land conservation fund for the land acquisition of the Na Wai Eha watershed; provided that the County of Maui provides matching funds.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, County of Maui Department of Water Supply, Mayor of the County of Maui, a member of the Maui County Council, and The Trust for Public Land.

Your Committee finds that the Na Wai Eha watershed represents significant ecological, cultural, and hydrological value to the island of Maui. Your Committee further finds that the land acquisition authorized by this measure will preserve this resource in perpetuity for public recreation and benefit.

Your Committee has amended this measure by:

- (1) Providing that the matching funds from the County of Maui may be used for the land acquisition of Na Wai Eha watershed or for the purchase of the associated water systems and easements offered by the seller;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2692, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2692, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3311 Ways and Means on S.B. No. 2618

The purpose and intent of this measure is to increase access to primary health care services for the community of Makalei in the County of Hawaii.

More specifically, this measure appropriates funds to the Department of Health for the purchase of one advanced life support ambulance, to be based in Makalei in the County of Hawaii, and for associated equipment and personnel costs.

Your Committee received written comments in support of this measure from the Mayor of the County of Hawaii; Hawaii Fire Department, County of Hawaii; Hilo Medical Center; a member of the Hawaii County Council; and eight individuals.

Your Committee finds that this measure provides greater access to primary health care services for the growing population in the remote community of Makalei in the County of Hawaii.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2618, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2618, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3312 Ways and Means on S.B. No. 3138

The purpose and intent of this measure is to facilitate the development of affordable housing.

Specifically, this measure expands the scope of costs derived from the development of affordable rental housing certified by the Hawaii Housing Finance and Development Corporation that are eligible for exemption from the general excise tax.

Your Committee received written comments in support of this measure from the Hawaii Housing Finance and Development Corporation; Hawaii Regional Council of Carpenters; Pacific Resource Partnership; Schatz Collaborative, LLC; Kauai Housing Development Corporation; and seven individuals.

Your Committee received written comments on this measure from the Department of Taxation.

Your Committee finds that current state law exempts from general excise taxes the contracting costs for projects certified by the Hawaii Housing Finance and Development Corporation. Your Committee believes that amending the exemption to cover other development costs, including financing, sales, and leasing costs, will encourage the development of additional affordable housing.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3138, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3138, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

SCRep. 3313 Ways and Means on S.B. No. 3150

The purpose and intent of this measure is to reduce carbon emissions in the State.

More specifically, this measure:

- (1) Amends the environmental response, energy, and food security tax to address carbon emissions;
- (2) Increases the tax rate to effectively set a price of \$40 per metric ton of carbon dioxide emissions in 2021;
- (3) Incrementally increases the tax rate over time so that, in 2030, the tax rate shall be equivalent to a carbon price of \$80 per metric ton of carbon emissions; and
- (4) Establishes a refundable income tax credit for lower-income individuals to mitigate the effect of the tax on carbon emissions.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Hawaii State Energy Office, Hawaii Natural Energy Institute, Hawaii Climate Change Mitigation and Adaptation Commission, 350Hawaii.org, Citizens' Climate Lobby, Climate Protectors Coalition, Climate XChange, Healthy Climate Communities, Volcano Action Network, Young Progressives Demanding Action, and numerous individuals.

Your Committee received written comments in opposition to this measure from Chamber of Commerce Hawaii, Hawaii Food Industry Association, Hawaii Restaurant Association, Hawaii Transportation Association, Kauai Chamber of Commerce, Kauai Island Utility Cooperative, Maui Chamber of Commerce, and five individuals.

Your Committee received comments on this measure from the Department of Agriculture, Department of the Attorney General, Department of Health, Department of Taxation, Department of Transportation, Office of Planning, Hawaii Petroleum Marketers Association, Matson, Tax Foundation of Hawaii, and Ulupono Initiative.

Your Committee finds that climate change is the most critical issue confronting the State. The overwhelming consensus of climate scientists who have studied the issue is that climate change is occurring primarily as a result of the combustion of fossil fuels. The Hawaii Climate Change Mitigation and Adaptation Commission has stated that the most effective single means of reducing greenhouse gas emissions is to "put a price on carbon". Your Committee further finds that the best means of carbon pricing for the State is a use-based tax on all carbon dioxide-emitting fuels, such as oil, gas, and coal.

Your Committee has amended this measure by:

- (1) Changing all income brackets, tax credit amounts, tax rates, and tax revenue allocations to unspecified amounts;
- (2) Clarifying the income tax credit's treatment of taxpayers, based on filing status;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

Your Committee notes the following comments submitted by Senator Lorraine R. Inouye:

The State of Hawaii Office of Planning's *Feasibility and Implications of Establishing a Carbon Offset Program for the State of Hawai'i*, released in December 2019, calls for the state to conduct a study on carbon pricing before the legislature considers a carbon pricing model for Hawaii. In Accordance with Act 122, Session Laws of Hawaii 2019, the Hawaii State Energy Office will conduct a study on carbon pricing, including whether and how a carbon pricing policy shall be implemented in Hawaii.

Any potential carbon pricing mechanism should align with the current goals of the State of Hawaii. The state is currently on track to meet its 2020 greenhouse gas emissions reduction target and has a more ambitious Zero Emissions Clean Economy target for 2045.

The proposed carbon tax will impact Hawaii businesses and consumers. For example...[:]

- o Singapore jet fuel, which Hawaii petroleum marketers use as a benchmark for pricing, is currently trading at around \$65 / bbl. A tax of \$16.07 would be assessed in just the first year of the proposed legislation. That is a twenty-five percent increase in the cost of jet fuel. That cost is absorbed by air travelers and would price out entire segments of our largest industry, raising ticket prices and visitor expenses.
- o The cost of fuel oil for HECO and other power plants would rise thirty-one percent in the first year. Hawaii is already struggling with some of the highest kilowatt per hour prices in the world. Raising the price of electricity would further increase the cost of living for Hawaii's working families.
- o There are federal carbon tax proposals that are likely to be considered by Congress after the November election. A federal carbon pricing standard would ensure a level playing field for the industry and is likely to include border adjustments to deal with large pollution emitters such as China and India. Climate change is a global problem and addressing it with state specific measures does little to fuel the coordination between nations that we need.

Your Committee also notes the following comments submitted by Senator Sharon Y. Moriwaki:

While I agree that we must reduce our greenhouse gas emissions and one option is to assess a carbon emissions tax, I think it is premature to establish such a tax and increase the tax rates while we are still awaiting a carbon pricing study by the State Energy Office. That study is scheduled to be reported to the Legislature at the next session. With the proposed amendments, I will vote with reservations.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3150, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3150, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Harimoto, Inouye, Moriwaki, Riviere, Fevella). Noes, none. Excused, 2 (Kahele, Taniguchi).

SCRep. 3314 Ways and Means on S.B. No. 3156

The purpose and intent of this measure is to establish a framework to support the post-high school employment or education of students having disabilities.

More specifically, this measure:

- (1) Establishes a statewide transition success network for students having disabilities; and
- (2) Appropriates funds for the establishment of the statewide transition success network, including funds for a pilot program to be established in one high school and for start-up and technical assistance activities for participation in the statewide transition success network.

Your Committee received written comments in support of this measure from the State Council on Developmental Disabilities, Keiki Education Living Independent Institute, Special Education Advisory Council, and seven individuals.

Your Committee received written comments on this measure from the Department of Education.

Your Committee finds that this measure provides a framework to ensure effective transition services for students having disabilities, thereby promoting successful employment or education for these students after high school. Your Committee further finds that this measure aligns with the State's goals of ensuring equality of opportunity, independent living, and economic self-sufficiency for individuals having disabilities.

Your Committee has amended this measure by:

- (1) Requiring school district coordinators to work with the University of Hawaii Center on Disability Studies to support students at integrated work sites, including by providing job coaches and serving as an intermediary between the schools and any businesses that will work with students having disabilities;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3156, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3156, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3315 Ways and Means on S.B. No. 3171

The purpose and intent of this measure is to ensure the continued protection and preservation of the State's public parks and green recreational open spaces as an interconnected multi-use system, also known as the "lei of green."

More specifically, this measure:

- (1) Adds objectives, policies, and implementation guidelines to the Hawaii State Planning Act regarding planning for the lei of green;
- (2) Requires the Office of Planning to implement the lei of green policy in coordination with state and county departments and to report to the 2022 Legislature and the Governor on the status of the policy's implementation; and
- (3) Appropriates \$400,000 to the Office of Planning for costs associated with researching, compiling, and submitting the status report.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Trees for Honolulu's Future, The Outdoor Circle, Oahu Island Parks Conservancy, Hawaii's Thousand Friends, Hawaii Public Health Association, and six individuals.

Your Committee finds that the measure's codification in the Hawaii State Planning Act of objectives, policies, and implementation guidelines for the lei of green policy and requirement of inter-agency coordination among the State and counties will help to maintain and improve the natural beauty and sustainability of the State.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3171, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3171, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3316 Ways and Means on S.B. No. 2880

The purpose and intent of this measure is to amend section 92-28(1), Hawaii Revised Statutes, relating to the increase or decrease of state service fees, to include all fees collected by the Department of Commerce and Consumer Affairs.

Your Committee received written comments in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that currently, the list of fees enumerated in section 92-28(1), Hawaii Revised Statutes, includes some, but not all, of the fees collected by the Department of Commerce and Consumer Affairs. Your Committee finds that this measure will streamline the process of increasing or decreasing the Department of Commerce and Consumer Affairs' various fees, thereby enabling the Department of Commerce and Consumer Affairs to provide a uniform, fair, and timely mechanism for fee adjustments.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2880, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2880, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3317 Ways and Means on S.B. No. 2887

The purpose and intent of this measure is to enhance the State's preparation for disaster recovery.

More specifically, this measure:

- (1) Establishes the Long-Term Recovery Authority to develop legislation for, recommend policies regarding, and assist in coordinating disaster recovery efforts in the State;
- (2) Establishes the duties of the State Disaster Recovery Coordinator;
- (3) Adopts the Federal Emergency Management Agency's definition of "recovery support functions";
- (4) Establishes two full-time equivalent (2.0 FTE) positions to support the State Disaster Recovery Coordinator and Long-Term Recovery Authority; and
- (5) Appropriates moneys to the Office of the Governor.

Your Committee received written comments in support of this measure from the Department of Defense; Department of Transportation; Hawaii Emergency Management Agency; Hawaii State Energy Office; Office of the Governor; and Office of Climate Change, Sustainability, and Resiliency of the City and County of Honolulu.

Your Committee finds that efficient and effective disaster recovery efforts require the coordination of numerous public and private entities. Your Committee believes that establishing the Long-Term Recovery Authority and clarifying the duties of the State Disaster Recovery Coordinator will help to enhance the coordination of all affected stakeholders, mitigate the impacts of disasters, and improve disaster recovery efforts.

Your Committee has amended this measure by:

- (1) Clarifying that the state coordinating officer for active disasters, or the officer's designee, shall be invited to serve on the Long-Term Recovery Authority;
- (2) Clarifying the purpose of the appropriation;
- (3) Changing the appropriation from \$550,000 to an unspecified amount;
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2887, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2887, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3318 Ways and Means on S.B. No. 2859

The purpose and intent of this measure is to make emergency appropriations for immediate passage in accordance with Section 9 of Article VII of the Constitution of the State of Hawaii for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (3) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committee received written comments in support of this measure from the Department of Budget and Finance, University of Hawaii, and Hawaii Government Employees Association.

Your Committee finds that the settlement agreement between the exclusive representative of collective bargaining unit (3) and the public employer was completed and ratified without sufficient time to be included in the General Appropriations Act of 2019. Accordingly, it is necessary to submit a separate measure to appropriate funds for fiscal biennium 2019-2021 to cover the cost items and adjustments for this collective bargaining unit.

Your Committee has amended this measure by making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2859, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2859, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3319 Ways and Means on S.B. No. 2863

The purpose and intent of this measure is to make emergency appropriations for immediate passage in accordance with Section 9 of Article VII of the Constitution of the State of Hawaii for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (9) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committee received written comments in support of this measure from the Department of Budget and Finance, University of Hawaii, and Hawaii Government Employees Association.

Your Committee finds that an arbitration award addressing collective bargaining unit (9) was issued without sufficient time to be included in the General Appropriations Act of 2019. Accordingly, it is necessary to submit a separate measure to appropriate funds for fiscal biennium 2019-2021 to cover the cost items and adjustments for this collective bargaining unit.

Your Committee has amended this measure by making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2863, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2863, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3320 Ways and Means on S.B. No. 2864

The purpose and intent of this measure is to make emergency appropriations for immediate passage in accordance with Section 9 of Article VII of the Constitution of the State of Hawaii for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (13) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committee received written testimony in support of this measure from the Department of Budget and Finance and Hawaii Government Employees Association.

Your Committee finds that the settlement agreement between the exclusive representative of collective bargaining unit (13) and the public employer was completed and ratified without sufficient time to be included in the General Appropriations Act of 2019. Accordingly, it is necessary to submit a separate measure to appropriate funds for fiscal biennium 2019-2021 to cover the cost items and adjustments for this collective bargaining unit.

Your Committee has amended this measure by making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2864, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2864, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3321 Ways and Means on S.B. No. 2858

The purpose and intent of this measure is to make emergency appropriations for immediate passage in accordance with Section 9 of Article VII of the Constitution of the State of Hawaii for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (2) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committee received written comments in support of this measure from the Department of Budget and Finance, University of Hawaii, and Hawaii Government Employees Association.

Your Committee finds that the settlement agreement between the exclusive representative of collective bargaining unit (2) and the public employer was completed and ratified without sufficient time to be included in the General Appropriations Act of 2019. Accordingly, it is necessary to submit a separate measure to appropriate funds for fiscal biennium 2019-2021 to cover the cost items and adjustments for this collective bargaining unit.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2858, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3322 Ways and Means on S.B. No. 2862

The purpose and intent of this measure is to make emergency appropriations for immediate passage in accordance with Section 9 of Article VII of the Constitution of the State of Hawaii for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (8) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committee received written comments in support of this measure from the Department of Budget and Finance, University of Hawaii, and Hawaii Government Employees Association.

Your Committee finds the settlement agreement between the exclusive representative of collective bargaining unit (8) and the public employer was completed and ratified without sufficient time to be included in the General Appropriations Act of 2019. Accordingly, it

is necessary to submit a separate measure to appropriate funds for fiscal biennium 2019-2021 to cover the cost items and adjustments for this collective bargaining unit.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2862, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3323 (Joint) Judiciary and Ways and Means on S.B. No. 2843

The purpose and intent of this measure regarding bid protests to an award of a contract for a state project subject to the procurement code, is to, until July 1, 2025:

- (1) Change the amounts to be posted for a protest bond from a flat fee for contracts under \$1,000,000 to a percentage of the estimated value of the contract;
- (2) Increase the percentage for contracts with an estimated value of \$1,000,000 or more;
- (3) Repeal the cap on the maximum amount of the protest bond; and
- (4) Require the Comptroller, Superintendent of the Department of Education, and Director of the Department of Transportation to each submit an annual report to the Legislature on the number of protests and outcomes resulting from this change in valuation of protest bonds.

Your Committees received testimony in support of this measure from the Department of Transportation, Department of Accounting and General Services and City and County of Honolulu Department of Budget and Fiscal Services. Your Committees received testimony in opposition to this measure from the Subcontractors Association of Hawaii; John H. Connors Insurance; Risk Solutions Partners, LLC; and two individuals. Your Committees received comments on this measure from the State Procurement Office.

Your Committees find that under existing law, when a project solicitation or project award is protested, the government agency involved replies by either denying or sustaining the protest. The protestor then has an opportunity to appeal the government agency's decision to the Department of Commerce and Consumer Affairs, Office of Administrative Hearings. Contracts with an estimated value of over \$1,000,000 require a protest bond of one-half percent capped at \$10,000. If the protestor prevails, the \$10,000 bond is returned, but if the protestor does not prevail, the \$10,000 bond is deposited into the general fund. This measure increases the amount of protest bond required and repeals the protest bond cap.

Your Committees further find that this measure balances the interests of protest bonds being enough to discourage non-substantive protests and making the amount equitable by tying it to the value of the contract.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2843, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.
Judiciary: Ayes, 4; Ayes with Reservations (Kim, Fevella). Noes, none. Excused, 1 (Gabbard).
Ways and Means: Ayes, 8; Ayes with Reservations (Fevella). Noes, none. Excused, 5 (Kahele, Kidani, Moriwaki, Riviere, Shimabukuro).

SCRep. 3324 Judiciary on S.B. No. 2541

The purpose and intent of this measure is to:

- (1) Require massage therapy licensees, beginning with the renewal for the licensing biennium commencing on July 1, 2022, and every biennial renewal thereafter, to complete twelve hours of continuing education within the two-year period preceding the renewal date, two hours of which shall include first aid, cardiopulmonary resuscitation, or emergency-related courses; and
- (2) Modify and update advertising limitations and penalties.

Your Committee received testimony in support of this measure from the Board of Massage Therapy and American Massage Therapy Association. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that the practice of massage in the State affects public health and safety and therefore, massage therapist licensees should regularly maintain their knowledge and education and receive basic first aid and emergency-related training. This measure establishes continuing education requirements for licensed massage therapists, which will ensure that massage therapists are aware of the best practices in the industry.

Your Committee recommends, as this measure proceeds, that consideration be given as to the practicability of implementation of this measure in its current version, specifically:

- (1) Whether application of the continuing education requirement for renewal of a massage therapist license should be delayed to the 2022-2024 biennium, to provide adequate time for:
 - (A) The Board of Massage Therapy to adopt rules prescribing the content requirements for continuing education;
 - (B) Continuing education providers to develop compliant programs; and
 - (C) The Board of Massage Therapy to certify such programs; and
- (2) Whether the requirement for compliance with continuing education requirements for renewal of a massage therapist license should be modified for massage therapists who initially apply for a license in the second year of a licensing biennium so that

the continuing education requirement is not a prerequisite for the initial renewal, but would apply to renewal after the first full biennium of licensure.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2541, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3325 Ways and Means on S.B. No. 2251

The purpose and intent of this measure is to move state and county ocean safety and water safety officers into a new collective bargaining unit separate from state law enforcement officers.

Your Committee received written comments in support of this measure from the Department of Human Resources, City and County of Honolulu; Hawaii Government Employees Association; Hawaiian Lifeguard Association; and sixteen individuals.

Your Committee finds that state and county ocean safety and water safety officers are currently assigned to the same collective bargaining unit as state law enforcement officers. Your Committee believes that this combination is impractical, given the vastly different skill sets required of these two different types of employees. Accordingly, your Committee believes that both state law enforcement officers and state and county ocean safety and water safety officers would be better served through separate bargaining units.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2251 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3326 Ways and Means on S.B. No. 2085

The purpose and intent of this measure is to fund behavior analysis services for public school and public charter school students in the State.

Your Committee received written comments in support of this measure from the State Public Charter School Commission, Hawaii Disability Rights Center, Hawaii State Teachers Association, Democratic Party of Hawaii Education Caucus, Hawaii Association of Behavior Analysis, and two individuals.

Your Committee received written comments on this measure from the Department of Human Services and Department of Education.

Your Committee finds that the provision of behavior analysis services would help the State meet its goal of providing an equitable, excellent, and innovative learning environment in every public school and public charter school.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2085, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (Inouye, Kahele).

SCRep. 3327 Ways and Means on S.B. No. 3073

The purpose and intent of this measure is to appropriate funds to the Department of Defense for the commemoration of the seventy-fifth anniversary of the end of World War II.

Your Committee received written comments in support of this measure from the Office of the Veterans' Services of the Department of Defense, Chamber of Commerce Hawaii, 75th World War II Commemoration Committee, Hawaii Lodging and Tourism Association, Hawaii Tourism Authority, Pearl Harbor Aviation Museum, USS Missouri Memorial Association, and one individual.

Your Committee finds that Hawaii played a prominent role in World War II. The attack on Pearl Harbor thrust the United States into the war, and the heroism and sacrifice of many of Hawaii's Nisei soldiers is well documented and highlights the incredible determination and loyalty that is truly representative of the "Greatest Generation."

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3073, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3328 Ways and Means on S.B. No. 2694

The purpose and intent of this measure is to authorize the state low-income housing tax credit to be allocated among partners or members of the taxpayer and to exempt tax credit investors from the federal "at-risk" and "passive activity loss" rules.

Your Committee received written comments in support of this measure from the Hawaii Housing Finance and Development Corporation; Hunt Companies, Inc.; Pacific Resource Partnership; Hawaii Regional Council of Carpenters; and Sugar Creek Capital.

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that this measure will expand the pool of Hawaii taxpayers that can invest in state low-income housing tax credits, thereby generating more capital for affordable rental housing projects.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2694, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2694, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3329 Ways and Means on S.B. No. 2713

The purpose and intent of this measure is to establish an invasive species rapid response trust fund to facilitate the rapid detection and control of newly detected invasive species when the Governor has declared an invasive species emergency.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Department of Agriculture, University of Hawaii System, Mayor of the County of Hawaii, a member of the Maui County Council, Hawaii Cattlemen's Council, Hawaii Farm Bureau, Maui Chamber of Commerce, Hawaii Organic Farming Association, and numerous individuals.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that the invasive species rapid response trust fund will help the State respond to invasive species threats at the time of first detection, when the likelihood of successful eradication is highest and the costs associated with eradication are lowest.

Your Committee has amended this measure by:

- (1) Clarifying the definition of "newly detected invasive species" to include invasive species that are newly detected in the State or that were previously detected in the State but are newly detected in another county or on another island of the State;
- (2) Clarifying that the moneys shall be appropriated to the Department of Land and Natural Resources and expended by the Hawaii Invasive Species Council;
- (3) Changing the appropriations to unspecified amounts; and
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2713, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2713, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3330 Ways and Means on S.B. No. 2719

The purpose and intent of this measure is to appropriate \$1,000,000 for the Department of Agriculture to increase feral pig control measures in the State.

Your Committee received written comments in support of this measure from the Land Use Research Foundation of Hawaii; Department of Agriculture; Waihale Products; Ponoeholo Ranch; Ohana Farm Orchards; Ulupalakua Ranch; Hawaii Crop Improvement Association; Hawaii Farm Bureau; Hawaiian Flower Gardens, Inc.; KVTHC; Ono Pop's Kauai; HCP; Matsuda-Fukuyama Farms; Maui County Farm Bureau; Rancho Aloha; Waikahe Farms; and numerous individuals.

Your Committee received written comments in opposition to this measure from Animal Rights Hawaii.

Your Committee finds that increased measures to control the expanding feral pig population in the State will address the growing problem of agricultural destruction and loss caused by feral pigs.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2719, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2719, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3331 Ways and Means on S.B. No. 2777

The purpose and intent of this measure is to create a special fund to support the work of the Environmental Council.

More specifically, this measure:

- (1) Establishes the environmental council special fund;
- (2) Dedicates a portion of the environmental response, energy, and food security tax revenue to the environmental council special fund;
- (3) Appropriates funds to the environmental council special fund from the environmental response revolving fund; and
- (4) Appropriates funds from the environmental council special fund to support the environmental council functions pursuant to section 341-6, Hawaii Revised Statutes.

Your Committee received written comments in support of this measure from Hawaii's Thousand Friends and one individual.

The Department of Health, Department of Budget and Finance, and Tax Foundation of Hawaii submitted written comments on this measure.

Your Committee finds that the environmental council special fund established by this measure will enhance the Environmental Council's effectiveness as the liaison between the Director of Environmental Quality Control and the general public and as the agency tasked with overseeing state, county, and federal progress toward fulfilling the State's environmental goals and policies.

Your Committee has amended this measure by:

- (1) Changing the appropriation amounts from \$50,000 to unspecified amounts;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2777, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2777, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3332 Ways and Means on S.B. No. 2782

The purpose and intent of this measure is to require and appropriate funds for the Department of Education to develop and implement a plant-based food and beverage program.

Your Committee received written comments in support of this measure from the Blue Zones Project, Climate Protectors Coalition, Vegetarian Society of Hawaii, Friends of the Earth, Kahana Foundation, 350Hawaii.org, and several individuals.

Your Committee received written comments in opposition to this measure from Thompson Ranch; Ponoholo Ranch Limited; Hawaii Cattlemen's Council; Hawaii Meats, LLC; Ulupalakua Ranch; Kealia Ranch; Maui Cattle Company; and several individuals.

Your Committee received written comments on this measure from an individual.

Your Committee finds that there is growing evidence to support the benefits of plant-based diets and plant-based milk options. Exposing students to plant-based meals and plant-based milk options can shift students' perceptions about healthy foods, which can influence eating behaviors outside of the school environment and into adulthood.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2782, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2782, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Riviere). Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3333 Ways and Means on S.B. No. 2783

The purpose and intent of this measure is to reduce the annual vehicle registration fee by fifty percent for certain qualifying veterans who have been determined to have a service-connected fifty percent or greater disability rating for compensation or a service-connected disability rating of fifty percent or greater.

Your Committee received written comments in support of this measure from the Department of Transportation and three individuals.

Your Committee received written comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that existing law exempts certain qualifying disabled veterans from paying annual vehicle registration fees, but only if they have been determined to be one hundred percent disabled. Your Committee finds that it is appropriate for the State to also reduce the burden of the registration fee by fifty percent for certain qualifying veterans who have been determined to be at least fifty percent disabled.

Your Committee has amended this measure by:

- (1) Inserting language to clarify that the reduced annual vehicle registration fee applies to qualifying veterans who are at least fifty percent disabled but less than one hundred percent disabled; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2783, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2783, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3334 Ways and Means on S.B. No. 2788

The purpose and intent of this measure is to provide continued aid for disaster relief in response to the April 2018 flooding in the County of Kauai and in other areas of the State.

Specifically, this measure extends the lapse date of the appropriation made for this relief pursuant to Act 12, Session Laws of Hawaii 2018.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Hawaii Emergency Management Agency, and Waioli Valley Taro Hui.

Your Committee finds that this measure helps to ensure continued and necessary aid for disaster relief from the damages, losses, and suffering experienced as a result of the April 2018 flooding in the County of Kauai and other areas of the State.

Your Committee has amended this measure by:

- (1) Changing the appropriations made in sections 5 and 6 of Act 12, Session Laws of Hawaii 2018, as amended by Act 35, Session Laws of Hawaii 2019, to unspecified amounts;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2788, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2788, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3335 Ways and Means on S.B. No. 2821

The purpose and intent of this measure is to amend the renewable energy technologies income tax credit.

More specifically, this measure:

- (1) Beginning January 1, 2025, eliminates the renewable energy technologies income tax credit for solar energy systems for which the primary purpose is not to heat water; and
- (2) Preserves the tax credit for solar energy systems installed and placed in service pursuant to a power purchase agreement for commercial properties that was approved by the Public Utilities Commission prior to December 31, 2019.

Your Committee received written comments in support of this measure from Adon Renewables, Hawaii Clean Power Alliance, and Hoohana Solar 1 LLC.

Your Committee received written comments in opposition to this measure from Hawaii PV Coalition, Hawaii Solar Energy Association, Tesla, and nine individuals.

Your Committee received written comments on this measure from the Department of Taxation; Hawaii State Energy Office; 350Hawaii; Climate Protectors Coalition; Hawaiian Electric Company, Inc; Tax Foundation of Hawaii; Ulupono Initiative; and eight individuals.

Your Committee finds that, as a result of pursuing its goal to reach one hundred percent renewable energy by 2045, Hawaii must continue to support utility-scale renewable energy projects that benefit residents and ratepayers. Your Committee further finds that, in order to continue to support this goal, the State must provide certainty and clarity for these projects to ensure their stability and long-term financial viability.

Your Committee has amended this measure by:

- (1) Increasing the cap amount of the renewable energy technologies income tax credit for solar water heating systems installed and placed in service for multi-family residential properties from \$350 per unit per system to \$750 per unit per system;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2821, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2821, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Moriwaki, Riviere, Fevella). Noes, none. Excused, 3 (English, Kahele, Shimabukuro).

SCRep. 3336 Ways and Means on S.B. No. 2827

The purpose and intent of this measure is to expand the application of and uses for the transaction fee authorized by Act 120, Session Laws of Hawaii 2009, for recordings in the Bureau of Conveyances and Land Court.

More specifically, the measure:

- (1) Expands the application of the transaction fee to include all services rendered by the Bureau of Conveyances;
- (2) Expands the uses of the transaction fee to include purchases of software, project management and implementation, staffing, workflow improvements, and services related to the management, archiving, preservation, and accessibility of records at the Bureau of Conveyances and in the Office of the Assistant Registrar of the Land Court; and
- (3) Specifies that the transaction fee shall be repealed on the earlier of the effective date of administrative rules adopted by the Department of Land and Natural Resources that include the establishment of a similar transaction fee, or on July 1, 2023.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that the additional funding generated by this measure will assist with efforts to modernize and improve the operations of the Bureau of Conveyances and the Land Court.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2827, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2827, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3337 Ways and Means on S.B. No. 2841

The purpose and intent of this measure is to make an emergency appropriation to the Stadium Authority to address various unbudgeted expenses.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services, Hawaii Community Development Authority, and one individual.

Your Committee finds that the emergency appropriation will help ensure the continued safe operation of Aloha Stadium through at least the end of the fiscal year.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2841, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2841, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3338 (Majority) Judiciary on S.B. No. 2635

The purpose and intent of this measure is to:

- (1) Require a purchaser of ammunition to present to a seller a valid government issued identification card and a valid permit to acquire a firearm, a handgun safety training course affidavit, or a hunter education card;
- (2) Require the licensing of sellers of ammunition, and provide for the identification and proper permitting of purchasers or possessors of ammunition; and
- (3) Regulate ammunition in the same manner that firearms are regulated.

Your Committee received testimony in support of this measure from the Mayor of Hawai'i County, Honolulu Police Department, and one individual. Your Committee received testimony in opposition to this measure from the Kaua'i Police Department; Pu'uoloa Rifle and Pistol Club; Hawaii Cattlemen's Council, Inc.; Hawaii Rifle Association; Hawaii Firearms Coalition; and thirty-six individuals. Your Committee received comments on this measure from Bushido Arms and Ammunition, LLC.

Your Committee finds that Hawaii's strong gun safety laws have led to the lowest gun related crime rate in the nation. Your Committee further finds that while the sale, possession, and use of firearms are regulated by state law, there are few existing laws to

regulate ammunition. This measure establishes regulations on ammunitions to provide a safe environment for residents and visitors of the State.

Your Committee has amended this measure by:

- (1) Deleting language that would have required a purchaser of ammunition or shell casings to show, along with a valid government issued identification card, a valid permit to acquire firearms, a handgun safety training course affidavit, or a hunter education card;
- (2) Inserting language that prohibits any person from selling ammunition or shell casings for any firearm unless the purchaser first demonstrates that they are the registered owner of the firearm for which the ammunition or shell casings are to be purchased and language relating to showing proof of firearm registration to purchase ammunition;
- (3) Allowing the police departments to designate on the firearm registration form whether the firearm can be converted to a different caliber or gauge and allowing indication for purchases of ammunition for each caliber or gauge of ammunition that the firearm may lawfully use per the registration form;
- (4) Requiring that a scanned copy of the registration and identification be shown for online purchases;
- (5) Allowing the police departments to provide duplicates of the registration document, or provide the same information in a format to be determined by the departments;
- (6) Authorizing registered owners to designate a person as an alternate on the gun registration only for the purpose of purchasing ammunition;
- (7) Requiring the Attorney General to update registration forms to effectuate this measure; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2635, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2635, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Gabbard). Noes, 1 (Fevella). Excused, none.

SCRep. 3339 Ways and Means on S.B. No. 996

The purpose and intent of this measure is to increase the use of zero-emission vehicles in the State.

More specifically, this measure:

- (1) Requires rental motor vehicle lessors to incorporate zero-emission vehicles into the lessors' fleets of rental motor vehicles; and
- (2) Establishes the Hawaii zero-emission vehicle infrastructure special fund and the Hawaii zero-emission vehicle infrastructure grant program to promote the development of a zero-emission vehicle fueling infrastructure.

Your Committee received written comments in support of this measure from 350Hawaii.org; Blue Planet Foundation; Climate Protectors Coalition; Hawaii Electric Vehicle Association; Hawaiian Electric Company, Inc.; Sustainable Energy Hawaii; Ulupono Initiative; and numerous individuals.

Your Committee received written comments in opposition to this measure from the Department of Transportation and Enterprise Holdings.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that requiring rental motor vehicle lessors to incorporate zero-emission vehicles into the lessor's respective rental motor vehicle fleet will facilitate the State's efforts to increase the number of zero-emission vehicles used in the State. Your Committee further finds that incentivizing the development of a zero-emission vehicle fueling infrastructure will help to ensure that the State has the fueling capabilities to accommodate the increased rate of zero-emission vehicle use in the State.

Your Committee has amended this measure by:

- (1) Removing from the definition of "zero-emission vehicle" a provision establishing criteria for full and partial plug-in hybrid electric vehicles;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 996, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 996, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12; Ayes with Reservations (Inouye). Noes, none. Excused, 1 (Taniguchi).

SCRep. 3340 Ways and Means on S.B. No. 2131

The purpose and intent of this measure is to promote the installation of residential fire sprinklers in homes throughout the State.

More specifically, this measure establishes an income tax credit to offset the cost of installing an automatic fire sprinkler system in any new one- or two-family dwelling of a building that is used only for residential purposes.

Your Committee received written comments in support of this measure from the Hawaii State Fire Council, Kauai Fire Department, and Maui Fire Department

Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that automatic fire sprinkler systems have a proven record of significantly reducing loss of life, injury, and property damage caused by fires. However, residential fire sprinklers in one- and two-family dwellings are rare in Hawaii. One reason for the lack of residential fire sprinklers is the high cost of installation. Your Committee therefore finds that an incentive is needed to encourage the installation of fire sprinklers in new homes.

Your Committee has amended this measure by:

- (1) Changing the amount of the tax credit to an unspecified percentage of a taxpayer's costs to install an automatic fire sprinkler system;
- (2) Changing the cap amount of the tax credit from \$5,000 to an unspecified amount;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2131, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2131, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Inouye, Kahele, Taniguchi).

SCRep. 3341 Ways and Means on S.B. No. 2296

The purpose and intent of this measure is to require the Department of Education's Free Application for Federal Student Aid (FAFSA) working group to create a state plan to make completion of the FAFSA, or an opt-out waiver therefor, a statewide graduation requirement by the 2022-2023 school year.

Your Committee received written comments in support of this measure from the State Public Charter School Commission, HawaiiKidsCAN, Hawaii Community Foundation, Hawaii State Teachers Association, Chamber of Commerce Hawaii, Maui Chamber of Commerce, and five individuals.

Written comments in opposition were received from Molokai High School and two individuals.

The Department of Education, Office of Information Practices, and one individual submitted written comments on the measure.

Your Committee finds that requiring completion of the FAFSA or an opt-out waiver will help to ensure, at a minimum, that all graduating high school students have been made aware of their opportunity to receive federal financial aid for post-secondary education.

Your Committee has amended this measure by:

- (1) Specifying that, in addition to a member of the non-profit sector, the working group shall include high school counselors and a representative of the public charter school system;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2296, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2296, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Inouye, Kahele).

SCRep. 3342 Ways and Means on S.B. No. 2408

The purpose and intent of this measure is to require that certain members of the State Council on Mental Health have a demonstrated knowledge of or work experience involving native Hawaiian concepts of well-being, culturally grounded mental health methodologies, or traditional healing or health practices.

Your Committee received written comments in support of this measure from the Department of Health and Hawaii Psychological Association.

Your Committee finds that this measure will help to ensure that the State Council on Mental Health may perform its duties of advising, reviewing, and evaluating the allocation and adequacy of mental health resources in the State in a culturally inclusive manner. Your Committee further finds that this measure supports a decrease in the mental health disparities experienced by native Hawaiians in the State by requiring representation of culturally appropriate mental health response strategies to meet the mental health needs of the native Hawaiian population.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2408, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2408, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3343 Ways and Means on S.B. No. 2465

The purpose and intent of this measure is to appropriate moneys to the Department of Human Services to procure the services of a master contractor to implement and operate a transitions clinic network pilot program that provides services to individuals released from prison and suffering from chronic health conditions.

Your Committee received written comments on this measure from the Department of Human Services.

Your Committee finds that providing a transitions network pilot program to chronically-ill, previously incarcerated individuals after they are released from incarceration will help to reduce the rates of recidivism and homelessness among these individuals.

Your Committee has amended this measure by:

- (1) Clarifying the nature and scope of the master contractor's responsibilities;
- (2) Changing the appropriation from \$300,000 to an unspecified amount;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2465, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2465, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3344 Ways and Means on S.B. No. 2548

The purpose and intent of this measure is to reduce the amount of human-made marine debris found abandoned in the ocean.

More specifically, this measure:

- (1) Requires the Division of Boating and Ocean Recreation within the Department of Land and Natural Resources to implement a pilot project to encourage the collection of man-made marine debris, including establishment of a collection center that pays fifty cents per pound for eligible marine debris;
- (2) Appropriates \$200,000 to the Department of Land and Natural Resources for the creation and implementation of a pilot program for the collection of man-made marine debris; and
- (3) Appropriates \$200,000 to the University of Hawaii for the Water Resources Research Center to research and develop specialized equipment for the effective and efficient removal of plastic marine debris from beaches and shorelines.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Hawaii County Council, Climate Protectors Coalition, Hawaii Reef and Ocean Coalition, Hawaii Food Industry Association, and four individuals.

Your Committee finds that this measure complements existing efforts to remove large types of human-made marine debris from the State's shoreline and nearshore waters by creating a stronger incentive for members of the public to participate in the removal of these types of marine debris. Your Committee further finds that this measure aligns with the State's policy to protect and minimize adverse impacts on the State's coastal ecosystems.

Your Committee has amended this measure by:

- (1) Changing the appropriations to unspecified amounts;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2548, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2548, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

SCRep. 3345 Ways and Means on S.B. No. 2820

The purpose and intent of this measure is to increase the cap amount of the renewable energy technologies income tax credit for multi-family residential property solar energy systems from \$350 to \$750.

Your Committee received written comments in support of this measure from 350Hawaii.org, Climate Protectors Coalition, Hawaii Solar Energy Association, Adon Renewables, and twenty-five individuals.

Your Committee received written comments on this measure from the Department of Taxation, Hawaii State Energy Office, and Tax Foundation of Hawaii.

Your Committee finds that in Hawaii the cost of living is among the highest in the nation, and that electricity prices contribute to that high cost. Your Committee notes that there has been no increase in the tax credit cap amount for photovoltaic systems for multi-family residential properties since the credit was established in 2003. Your Committee believes that it is appropriate for multi-family residential properties to benefit from increased tax credit cap amounts that are equally proportionate to increases in the tax credit cap amount that have been afforded to single family and commercial properties.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2820, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2820, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (English, Kahele, Shimabukuro).

SCRep. 3346 Ways and Means on S.B. No. 2860

The purpose and intent of this measure is to make appropriations for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (4) and the employees' excluded counterparts for the fiscal biennium 2019-2021.

Your Committee received written comments in support of this measure from the Department of Budget and Finance, University of Hawaii, and Hawaii Government Employees Association.

Your Committee finds that an arbitration award addressing collective bargaining unit (4) was issued without sufficient time for applicable funds to be included in the General Appropriations Act of 2019. Accordingly, it is necessary to submit a separate measure to appropriate funds for fiscal biennium 2019-2021 to cover the cost items and adjustments for this collective bargaining unit.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2860, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2860, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Riviere, Shimabukuro).

SCRep. 3347 Ways and Means on S.B. No. 2885

The purpose and intent of this measure is to designate a source of funding for hazard mitigation expenses in the State.

Specifically, this measure:

- (1) Establishes the hazard mitigation special fund;
- (2) Dedicates into that fund any moneys that may be recovered or reimbursed for the costs and expenses of hazard mitigation;
- (3) Restricts expenditure of moneys in the fund to expenses related to the mitigation of hazards; and
- (4) Appropriates moneys into the fund.

Your Committee received written comments in support of this measure from the Department of Defense, Hawaii Emergency Management Agency, and Hawaii State Energy Office.

Your Committee finds that providing a source of funding to support the administration of the State's hazardous mitigation projects, including trimming or removing potentially hazardous trees or branches, stabilizing or removing unstable soil and rock hazards, and cleaning waterways to prevent or mitigate overflowing and flooding, will help to protect public health and safety.

Your Committee has amended this measure by:

- (1) Clarifying that the requirements of section 127A-18(e), Hawaii Revised Statutes, do not apply to the establishment of, and restrictions on the use of moneys in, the hazard mitigation special fund;

- (2) Changing the appropriations to unspecified amounts;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2885, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2885, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3348 Ways and Means on S.B. No. 2915

The purpose and intent of this measure is to increase water safety at state park beaches, especially those that are most frequented by visitors to the State.

Specifically, this measure:

- (1) Allocates \$5,000,000 of transient accommodations tax revenues to the state parks special fund for the purpose of supporting lifeguard services, including salary and equipment, at state beach parks; and
- (2) Appropriates \$5,000,000 out of the state parks special fund to the Department of Land and Natural Resources for lifeguard services, including salary and equipment, at state beach parks.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, City and County of Honolulu Emergency Services Department, County of Maui Fire Department, and one individual.

Your Committee finds that this measure provides necessary support to increase the number of water safety officers at state beach parks, especially at those beach parks that have been identified as high risk for drowning, spinal cord injury, and other ocean-related injuries.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Inserting a section that amends section 184-3.4, Hawaii Revised Statutes, to require that transient accommodations tax revenues deposited into the state parks special fund be expended for lifeguard services, including salary and equipment costs, at state beach parks; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2915, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2915, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3349 Ways and Means on S.B. No. 3037

The purpose and intent of this measure is to clarify requirements, eliminate redundancies, and improve processes relating to the governance of public charter schools.

More specifically, this measure:

- (1) Amends and consolidates the content required to be included in the State Public Charter School Commission's annual report to the Board of Education and the Legislature;
- (2) Streamlines the charter school application process by repealing the requirement that the Commission review charter applications for completeness and notify an applicant's governing board that an application is complete;
- (3) Amends certain academic and financial indicators and measures contained in the framework upon which the performance provisions of a charter contract are based; and
- (4) Amends the annual financial audit process by allowing charter schools to select an independent auditor from a list of approved independent auditors provided by the Commission, rather than from a list of three independent auditors pre-selected by the Commission.

Your Committee received written comments in support of this measure from the State Public Charter School Commission and one individual.

Your Committee finds that the housekeeping amendments contained in this measure will facilitate the efficient operation of the State's public charter school system.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3037, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3037, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3350 Ways and Means on S.B. No. 3072

The purpose and intent of this measure is to improve the State's preparedness for and response to communities affected by disasters.

Specifically, this measure:

- (1) Requires that all public buildings constructed after January 2021 shall be designed to withstand category four and higher hurricanes and for use as emergency shelters;
- (2) Requires statewide inventories of medical facilities, backup generators, and twenty-four satellite phones for emergency situations;
- (3) Appropriates moneys to the Hawaii Emergency Management Agency for:
 - (A) The hiring of employees with competencies in emergency response planning and allocation of resources; and
 - (B) The agency to review shortages related to emergency supplies; and
- (4) Appropriates moneys to the Department of Agriculture to procure, store, and maintain a supply of usable food for emergency situations.

Your Committee received written comments in support of this measure from the Hawaii Emergency Management Agency.

Your Committee received written comments on this measure from the Department of Accounting and General Services.

Your Committee finds that the State's location and size make it vulnerable to natural disasters and other emergencies. Your Committee therefore finds that the State should ensure the safety of residents and visitors by preparing for emergencies in advance.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3072, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3072, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3351 Ways and Means on S.B. No. 3144

The purpose and intent of this measure is to support recycling in the State by establishing in the Office of Solid Waste Management a recycling facility grant program, to be administered by the Department of Health.

More specifically, this measure:

- (1) Requires the Department of Health to issue grants to recycling facility operators to offset in-state operational costs;
- (2) Requires grant program funds to be disbursed from the environmental management special fund and authorizes grants of up to \$750,000;
- (3) Provides that grantees shall submit to specified requirements, including licensing and accreditation; compliance with applicable non-discrimination laws; provision of full access to the grantee's program, managerial, and fiscal records; and compliance monitoring; and
- (4) Appropriates funds for the implementation of the grant program, including for the establishment of one full-time equivalent contract specialist position.

Your Committee received written comments in support of this measure from the Department of Health, Pono Hawaii Initiative, and one individual.

The Maui Chamber of Commerce submitted written comments on this measure.

Your Committee finds that the recycling facility grant program established by this measure will aid efforts to divert more municipal waste from landfills and, accordingly, reduce greenhouse gas emissions, by supporting the operations of businesses that focus on the reduction, recycling, bioconversion, and composting of solid waste.

Your Committee has amended this measure by:

- (1) Clarifying that moneys in the environmental management special fund may be expended to award grants through the recycling facility grant program;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3144, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3144, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (Kahele, Taniguchi).

SCRep. 3352 (Joint/Majority) Ways and Means and Judiciary on S.B. No. 2216

The purpose and intent of this measure is to establish the empty homes tax.

More specifically, this measure:

- (1) Establishes an empty homes tax on transfers and conveyances of certain vacant residential real property;
- (2) Requires every person who is liable for imposition of the empty homes tax to file a sworn tax return with the Director of Taxation each month;
- (3) Requires the Department of Taxation to deposit all revenues from the empty homes tax into the dwelling unit revolving fund;
- (4) Specifies the process to appeal an empty homes tax assessment;
- (5) Requires the retention of records relating to empty homes tax levies and assessments for a period of three years; and
- (6) Requires the Director of Taxation to administer and enforce the empty homes tax.

Your Committees received written comments in support of this measure from IMUA Alliance.

Your Committees received written comments in opposition to this measure from Hawaii Association of REALTORS and one individual.

Your Committees received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committees find that according to the Department of Business, Economic Development, and Tourism, the State will need approximately sixty-five thousand new housing units by 2025 to satisfy the demand for housing. Your Committees further find that there are approximately thirty thousand vacant homes in the City and County of Honolulu alone. Accordingly, your Committees believe that imposing an empty homes conveyance tax will help to increase the housing supply in the State by decreasing the number of vacant housing units.

Your Committees have amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2216, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2216, S.D. 2.

Signed by the Chairs on behalf of the Committees.
Ways and Means: Ayes, 8. Noes, 1 (Riviere). Excused, 4 (Harimoto, Inouye, Kahele, Taniguchi).
Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3353 (Joint) Ways and Means and Judiciary on S.B. No. 2235

The purpose and intent of this measure is to establish a funding source to support a state drug and alcohol toxicology testing laboratory.

More specifically, this measure:

- (1) Establishes a state drug and alcohol toxicology testing laboratory special fund, to be administered by the Department of Health; and
- (2) Deposits into the special fund fines paid by repeat and habitual offenders who have operated vehicles under the influence of an intoxicant and offenders who have operated vehicles after their license and privilege to do so was suspended or revoked for operating a vehicle under the influence of an intoxicant.

Your Committees received written comments in support of this measure from the Department of Public Safety, Department of Transportation, County of Hawaii Office of the Prosecuting Attorney, City and County of Honolulu Department of the Prosecuting Attorney, Honolulu Police Department, Mothers Against Drunk Driving Hawaii, and one individual.

The Department of the Attorney General and Department of Budget and Finance submitted written comments on this measure.

Your Committees find that the state drug and alcohol toxicology testing laboratory special fund established by this measure will help to support the future establishment of a local, state-run laboratory capable of conducting necessary testing of blood and urine samples for use in criminal cases and thereby eliminate the need to send samples to a private out-of-state testing laboratory.

Your Committees have amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2235, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2235, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Harimoto, Inouye, Kahele, Taniguchi).

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3354 (Joint) Ways and Means and Judiciary on S.B. No. 2282

The purpose and intent of this measure is to establish an agricultural enforcement program to address agricultural theft and other crimes committed on agricultural lands in the State.

More specifically, this measure:

- (1) Requires the Board of Agriculture to establish an agricultural enforcement program within the Department of Agriculture;
- (2) Adds Department of Agriculture agricultural enforcement officers and vehicles to various statutory provisions relating to law enforcement;
- (3) Establishes one full-time equivalent (1.0 FTE) chief enforcement officer position and two full-time equivalent (2.0 FTE) enforcement officer positions within the agricultural enforcement program;
- (4) Establishes the agricultural enforcement special fund; and
- (5) Appropriates funds to the Department of Agriculture for the agricultural enforcement program.

Your Committees received written comments in support of this measure from the Agribusiness Development Corporation; County of Hawaii Office of the Mayor; City and County of Honolulu Department of the Prosecuting Attorney; Larry Jeffs Farm, LLC; Hawaii Farm Bureau; Ulupono Initiative; Land Use Research Foundation of Hawaii; and five individuals.

Your Committees received written comments in opposition to this measure from one individual.

Your Committees received written comments on this measure from the Department of Budget and Finance and Department of Agriculture.

Your Committees find that agricultural theft and other crimes committed on agricultural lands in the State have become a commonplace occurrence. This measure provides programmatic and monetary support to help address this issue of statewide concern.

Your Committees have amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2282, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2282, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Harimoto, Inouye, Kahele, Taniguchi).

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3355 (Joint) Ways and Means and Judiciary on S.B. No. 2708

The purpose and intent of this measure is to authorize the Department of Agriculture to exercise increased management and control over lands under its jurisdiction, with the goal of supporting and promoting growth in the State's agriculture industry.

More specifically, the measure:

- (1) Authorizes the Department of Agriculture to undertake various activities to promote agriculture and the development of infrastructure on lands under its jurisdiction;
- (2) Establishes the Agricultural Enterprise Program;
- (3) Establishes and appropriates funds to the agricultural enterprise special fund; and
- (4) Requires the Board of Agriculture to submit to the Legislature an annual by-parcel accounting of non-agricultural park lessees.

Your Committees received written comments in support of this measure from the Department of Agriculture; Meadow Gold Dairies; Hawaii Coconut Protectors; Maui County Farm Bureau; Waihale Products; Tropical Flowers Express; Aikane Plantation; Ponohele Ranch; Ulupalakua Ranch; Kauai Nursery and Landscaping, Inc.; County Farm Bureau; KHK Ranch, LLC; Main Family Farm; East Oahu County Farm Bureau; Hawaii Farm Bureau; Kahuku Farmers, Inc.; Ulupono Initiative; Melvin Kunitake Farm; Hawaii Aquaculture and Aquaponics Association; M. Kawamura Farm; Flowers Forever, LLC; Olakai Hawaii; Hartung Brothers Hawaii, LLC; Hawaii Beef, LLC; Hawaii Cattlemen's Council; KVTHC; Aquaculture Planning and Advocacy, LLC; Land Use Research Foundation of Hawaii; Analytical Services, LLC; The Grassmaster; Local Food Coalition; Ajar, Inc.; and numerous individuals.

Your Committees received written comments on this measure from the Department of Land and Natural Resources.

Your Committees find that establishing the Agricultural Enterprise Program and authorizing the Department of Agriculture to exercise greater control over the land under its jurisdiction will boost agricultural production and move the State closer to its self-sufficiency and food security goals.

Your Committees have amended this measure by:

- (1) Codifying as a new section in Chapter 166E, Hawaii Revised Statutes, the requirement that the Board of Agriculture submit an annual report containing an accounting of non-agricultural park leases by parcel;
- (2) Changing the appropriation to an unspecified amount;
- (3) Changing the effective date to July 1, 2050; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2708, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2708, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Harimoto, Inouye, Kahele, Taniguchi).

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3356 (Joint) Ways and Means and Judiciary on S.B. No. 2795

The purpose and intent of this measure is to appropriate funds to the Office of the Lieutenant Governor for one full-time equivalent position, operating costs, and equipment to administer the Address Confidentiality Program established by Act 115, Session Laws of Hawaii 2018.

Your Committees received written comments in support of this measure from the Office of the Lieutenant Governor, Parents and Children Together, Planned Parenthood Votes Northwest and Hawaii, Hawaii Women's Coalition, and Hawaii State Coalition Against Domestic Violence.

Your Committees find that the Address Confidentiality Program is an important tool to protect the confidentiality of victims of sexual offenses, domestic abuse, and stalking and to prevent a victim's assailant from locating the victim's home through public records.

Your Committees have amended this measure by:

- (1) Changing the appropriation to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2795, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2795, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Harimoto, Inouye, Kahele, Taniguchi).

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3357 (Joint) Ways and Means and Judiciary on S.B. No. 2922

The purpose and intent of this measure is to make various statutory amendments to simplify and streamline the administration of the transient accommodations tax.

Specifically, this measure amends the State's transient accommodations tax law to:

- (1) Replace the misdemeanor penalty for failing to obtain a transient accommodations tax registration identification number with a monetary fine;
- (2) Authorize the Director of Taxation to hold certain controlling officers personally liable for certain violations;
- (3) Replace the term "operator or plan manager" with "person" or "taxpayer" to close an enforcement loophole and clarify the applicability of the transient accommodations tax;
- (4) Broaden the definition of the term "operator" to clarify that it includes any person who engages in any activity that results in the collection of receipts that are defined as gross rental proceeds under transient accommodations tax law; and
- (5) Repeal outdated references to filing of returns and remittance of payments to specific taxation districts.

Your Committees received written comments in support of this measure from the Department of Taxation.

Your Committees received written comments on this measure from the Tax Foundation of Hawaii.

Your Committees find that this measure will repeal outdated provisions, accommodate recent changes, and clarify other provisions of the State's transient accommodations tax, thereby ensuring the proper administration of the law.

Your Committees have amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and

(2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2922, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2922, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Harimoto, Inouye, Kahele, Taniguchi).

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3358 (Joint) Ways and Means and Judiciary on S.B. No. 2951

The purpose and intent of this measure is to establish the short-term rental assistance revolving fund and short-term rental assistance program to provide rental assistance to individuals and families who meet certain income requirements.

Your Committees received written comments in support of this measure from the Hawaii Public Housing Authority.

Your Committees received written comments on this measure from the Department of Budget and Finance.

Your Committees find that providing short-term rental assistance to individuals and families who meet certain income requirements will help to prevent and reduce homelessness in the State.

Your Committees have amended this measure by:

- (1) Changing the source of funding for the short-term rental assistance revolving fund from moneys received or collected by the Hawaii Public Housing Authority to legislative appropriations;
- (2) Adding a definition of the term “assisted unit”;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2951, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2951, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Harimoto, Inouye, Kahele, Taniguchi).

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3359 Ways and Means on S.B. No. 2191

The purpose and intent of this measure is to authorize the issuance of general obligation bonds and appropriate funds for construction costs of a water storage and distribution system on certain agricultural lands owned by the Office of Hawaiian Affairs.

Your Committee received written comments in support of this measure from the Office of Hawaiian Affairs, Agribusiness Development Corporation, Department of Land and Natural Resources, Department of Agriculture, Hawaii Farm Bureau, Alii Pauahi Hawaiian Civic Club, and five individuals.

Your Committee finds that the capital improvement project in Wahiawa funded by this measure will allow the Office of Hawaiian Affairs to advance shared objectives of both that office and the State in the development of these lands. Your Committee further finds that the project will promote diversified agriculture, enhance food security and climate resiliency, and protect the culturally significant sites nearby.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2191 and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Riviere, Shimabukuro).

SCRep. 3360 Ways and Means on S.B. No. 2823

The purpose and intent of this measure is to prohibit the President of the University of Hawaii from concurrently serving as the chancellor of any campus in the University of Hawaii System.

Your Committee received written comments in support of this measure from one individual.

Your Committee received written comments in opposition to this measure from the University of Hawaii System and one individual.

Your Committee finds that separating the positions of President of the University of Hawaii and chancellor of a University of Hawaii campus will help to prevent any potential conflicts of interest.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2823, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Harimoto, Moriwaki). Noes, none. Excused, 2 (Riviere, Shimabukuro).

SCRep. 3361 Ways and Means on S.B. No. 3063

The purpose and intent of this measure is to propose a constitutional amendment to require the State to prioritize housing for residents of the State.

Your Committee received written comments in support of this measure from one individual.

Your Committee finds that there is a shortage of available housing in the State. Your Committee also finds that the State will require approximately sixty-five thousand new housing units by 2025 to satisfy the estimated demand for housing. Your Committee believes that amending the Constitution of the State of Hawaii to prioritize access to housing for residents of the State will help the State to better address this housing shortage.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3063, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (Riviere, Shimabukuro).

SCRep. 3362 Ways and Means on S.B. No. 3096

The purpose and intent of this measure is to repeal the election day holiday and designate the fourth Friday of November as La Kuokoa, or Hawaiian Recognition Day.

Your Committee received written comments in support of this measure from the Office of Hawaiian Affairs; Association of Hawaiian Civic Clubs; Democratic Party of Hawaii, Hawaiian Affairs Caucus; Ka Lei Papahi O Kakuhihewa; Ke One O Kakuhihewa; Prince Kuhio Hawaiian Civic Club; and numerous individuals.

Your Committee received written comments on this measure from the Hawaii Government Employees Association and United Public Workers, AFSCME Local 646, AFL-CIO.

Your Committee finds that designating the fourth Friday of November as La Kuokoa, or Hawaiian Recognition Day, is an appropriate and meaningful way to recognize and celebrate the culture and history of Hawaii.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3096, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (Riviere, Shimabukuro).

SCRep. 3363 (Joint) Ways and Means and Judiciary on S.B. No. 1363

The purpose and intent of this measure is to:

- (1) Increase the Office of Hawaiian Affairs' annual share of the income and proceeds of the public land trust;
- (2) Transfer funds to the Office of Hawaiian Affairs the amounts received from the use of the public land trust that the Legislature has determined were underpaid in previous years;
- (3) Require the continued annual accounting of all receipts from lands described in section 5(f) of the Admission Act; and
- (4) Establish a Public Land Trust Revenues Committee to study and make recommendations every six years regarding the amount of the income and proceeds from the public land trust that the Office of Hawaiian Affairs shall receive annually.

Your Committees received written comments in support of this measure from the Office of Hawaiian Affairs, Hawaiian Affairs Caucus of the Democratic Party of Hawaii, Association of Hawaiian Civic Clubs, Prince Kuhio Hawaiian Civic Club, Kamehameha Schools, Environmental Caucus of the Democratic Party of Hawaii, and forty-three individuals.

Your Committees received written comments in opposition to this measure from the Department of Land and Natural Resources, Center for Hawaiian Sovereignty Studies, and one individual.

Your Committees received written comments on this measure from the University of Hawaii and Department of Budget and Finance.

Your Committees find that the State is constitutionally required to provide adequate income and proceeds as the pro rata portion of the public land trust to assist native Hawaiians. Your Committees believe that it is appropriate for the State, the Office of Hawaiian Affairs, native Hawaiians, and other residents of Hawaii to ensure that appropriate payments are made.

Your Committees have amended this measure by:

- (1) Correcting a reference to the official short title of federal Public Law 105-66;
- (2) Establishing fiscal year 2020-2021 as the initial fiscal year in which the new annual pro rata portion of the public land trust shall apply;
- (3) Changing the appropriation of the measure to:
 - (A) Establish fiscal year 2020-2021 as the fiscal year in which the appropriated funds shall be available; and
 - (B) Extend to June 30, 2020, the time period for which certain amounts received from the use of lands in the public land trust shall be paid to the Office of Hawaiian Affairs;
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and

(5) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1363, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 1363, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 8. Noes, none. Excused, 5 (Harimoto, Inouye, Kahele, Shimabukuro, Taniguchi).

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3364 (Joint) Ways and Means and Judiciary on S.B. No. 2205

The purpose and intent of this measure is to increase the amount of land available for housing.

Specifically, this measure:

- (1) Establishes procedures for the identification and designation of important housing lands; and
- (2) Appropriates funds to the counties for the identification of important housing lands.

Your Committees received written comments in support of this measure from the Hawaiian Affairs Caucus of the Democratic Party of Hawaii, Faith Action, and one individual.

Your Committees received written comments in opposition to this measure from the Department of Land and Natural Resources and Department of Planning and Permitting of the City and County of Honolulu.

Your Committees received written comments on this measure from the Office of Planning.

Your Committees find there is a strong demand for affordable housing in the State. Your Committees further find that encouraging the development of affordable housing will assist low- and moderate-income Hawaii residents in achieving homeownership.

Your Committees have amended this measure by:

- (1) Adding a declaration to clarify that the appropriation made by the measure is done to satisfy the requirements of article VIII, section 5 of the Hawaii State Constitution, and including instructions for dividing the appropriation among the various counties;
- (2) Correcting a cross-reference;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2205, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2205, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 9; Ayes with Reservations (Riviere, Fevella). Noes, none. Excused, 4 (Harimoto, Inouye, Kahele, Taniguchi).

Judiciary: Ayes, 4; Ayes with Reservations (Kim, Fevella). Noes, none. Excused, 1 (Gabbard).

SCRep. 3365 (Joint) Ways and Means and Judiciary on S.B. No. 2383

The purpose and intent of this measure is to address the rising number of fatal law enforcement officer-involved shootings in the State.

More specifically, this measure:

- (1) Requires the Department of Public Safety to:
 - (A) Review and update, at least annually, its policies and procedures governing the use of force, weapons, and equipment;
 - (B) Equip each of its officers with less-than-lethal weapons and provide training therefor; and
 - (C) Report to the Legislature by November 1, 2021, on its progress toward compliance with the foregoing requirements;
- (2) Requires the Law Enforcement Standards Board to review the Department's use of force training; and
- (3) Appropriates to the Department \$200,000 for less-than-lethal equipment and \$200,000 for training and related records management.

Your Committees received written comments in support of this measure from the Hawaii Government Employees Association.

Written comments in opposition were received from one individual.

The Department of Public Safety and Community Alliance on Prisons submitted written comments on the measure.

Your Committees find that a review of the Department of Public Safety's use of force policies, procedures, and training, as required by this measure, is a necessary step toward restoring the public's trust in public safety officers as guardians and protectors of people and communities in the State.

Your Committees have amended this measure by:

- (1) Changing the appropriation amount for less-than-lethal equipment to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2383, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2383, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Ways and Means: Ayes, 9. Noes, none. Excused, 4 (Harimoto, Inouye, Kahele, Taniguchi).

Judiciary: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3366 Ways and Means on S.B. No. 2912

The purpose and intent of this measure is to authorize the Department of Land and Natural Resources to issue new ocean recreation commercial permits by public auction, beginning July 1, 2020.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee received written comments in opposition to this measure from the Ocean Tourism Coalition; Trilogy Corporation dba Trilogy Excursions; Calypso Charters; Malolo Charters; Sea Paradise Scuba, Inc.; Lahaina Divers, Inc.; Teralani Sailing Adventures; Extended Horizons; Outfitters Kauai, Ltd.; PacWhale Eco Adventures; Jack's Diving Locker; and seven individuals.

Your Committee finds that the Department of Land and Natural Resources maintains a commercial permit waitlist for any particular area or activity when there is a limit on the number of permits that may be used for that area or activity. Your Committee recognizes that over the years, the number of commercial operators who have requested to operate in the state waters has increased significantly. Your Committee believes that the fairest way to issue the limited commercial permits available under these circumstances is through public auction.

Your Committee has amended this measure by:

- (1) Providing that new permits may be issued by public auction beginning on the effective date of the measure;
- (2) Clarifying that the provisions of this measure do not apply to permits issued prior to the effective date of the measure nor to the renewal of those permits, regardless of when those permits are renewed; and
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2912, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2912, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 10. Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3367 Ways and Means on S.B. No. 3013

The purpose and intent of this measure is to increase the career readiness of Hawaii's public high school students by encouraging them to obtain industry certifications in high-value occupations.

More specifically, this measure:

- (1) Requires the Department of Education to establish high-value-employment criteria for industry certification awards to public high schools;
- (2) Requires the Department to pay awards to eligible schools for each student who earns an industry-recognized certification, subject to the appropriation of funds by the Legislature, and requires the award to be used for the school's career and technical education program; and
- (3) Appropriates funds to the Department to implement these requirements.

Your Committee received written comments in support of this measure from the Department of Education, Department of Labor and Industrial Relations, HawaiiKidsCAN, Hawaii Pacific Health, Hawaii Food Industry Association, Chamber of Commerce Hawaii, Hawaii State Teachers Association, and two individuals.

The Executive Office on Early Learning submitted written comments on this measure.

Your Committee finds that incentivizing public high schools to encourage their students to pursue industry certification in high-value occupations, particularly those having high demand for competent and skilled employees, high potential for growth, and high wages, is a promising strategy for helping students prepare for the modern workforce.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3013, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3013, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (Inouye, Kahele).

SCRep. 3368 Ways and Means on S.B. No. 3035

The purpose and intent of this measure is to establish an income tax credit to foster research and development in ocean and marine sciences.

Your Committee received written comments in support of this measure from Makai Ocean Engineering, Inc.

Your Committee received written comments on this measure from the Department of the Attorney General, Department of Taxation, Natural Energy Laboratory of Hawaii Authority, and Tax Foundation of Hawaii.

Your Committee finds that research and development in ocean sciences is an intrinsic and essential part of Hawaii's future sustainability. Your Committee believes that supporting and encouraging more research and development in ocean and marine sciences will foster and fuel innovative ideas and promote entrepreneurship that will better position Hawaii for future economic growth and expansion.

Your Committee has amended this measure by:

- (1) Expanding the definition of "small business" to include businesses that employ no more than fifty employees and have revenues of less than \$5,000,000 per year;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3035, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3035, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (English, Kahele, Shimabukuro).

SCRep. 3369 Ways and Means on S.B. No. 3038

The purpose and intent of this measure is to create stronger economic incentives for new taro farmers, improve the livelihoods of existing taro farmers, and reduce the cost of poi for local families.

More specifically, this measure excludes up to \$100,000 of income derived from taro production from the state income tax.

Your Committee received written comments in support of this measure from the Department of Agriculture; Office of Hawaiian Affairs; County of Kauai; Office of Climate Change, Sustainability and Resiliency of the City and County of Honolulu; Department of Research and Development of the County of Hawaii; Aloha Aina; Hawaii Farm Bureau; Hooulu Aina Farms; Hui Aloha Aina o Ka Lei Maile Aii; Lauifi's Farming, LLC; Living Pono Project; Pono Hawaii Initiative; and numerous individuals.

Your Committee received written comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that taro is a hypoallergenic complex carbohydrate that plays a critical role in the health of families, and particularly Native Hawaiians. Yet, the cost of poi makes it inaccessible to many families most in need of this important staple starch food. Your Committee also finds that taro is one of Hawaii's highest-yielding staple starch food crops, producing ten thousand pounds and twenty thousand pounds per acre per year under wet and dry cultivation, respectively. However, taro is severely underproduced in the State. Your Committee believes that, in order to accomplish the State's goals for local food production, there is an urgent need to better support small farmers, including through economic incentives.

Your Committee has amended this measure by:

- (1) For purposes of clarity and conciseness, deleting the new statutory section established by the measure and instead amending section 235-7(a), Hawaii Revised Statutes, to exclude from the state income tax up to \$100,000 of income derived from taro production;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3038, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3038, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10; Ayes with Reservations (Taniguchi). Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3370 Ways and Means on S.B. No. 3099

The purpose and intent of this measure is to implement the recommendations of the Hawai'i Sea Level Rise Vulnerability and Adaptation Report.

Specifically, this measure:

- (1) Requires each state department and agency and each county to adopt policies that consider and address sea level rise;
- (2) Appropriates moneys to the counties to conduct the necessary analysis and adopt the policies;
- (3) Requires the Office of Planning to integrate into state planning the sea level rise recommendations made by the Hawaii Climate Change Mitigation and Adaptation Commission;
- (4) Requires the Office of Planning to develop a financing strategy to fund sea level rise adaptation;
- (5) Amends the coastal zone management law to include objectives and policies that accommodate sea level rise;
- (6) Requires the Director of Environmental Quality Control to issue guidance regarding sea level rise and climate change;
- (7) Requires the Historic Preservation program to identify resources and practices impacted by sea level rise and to develop processes and protocols to preserve various historical sites;
- (8) Requires the Office of Hawaiian Affairs to establish a working group to develop plans to preserve access to coastal lands and water impacted by sea level rise;
- (9) Requires the Department of Health to conduct a sea level rise mitigation review and appropriates funds for that review;
- (10) Requires that sellers in real estate transactions to disclose when a parcel being sold is within a sea level rise exposure area; and
- (11) Requires the Climate Change Mitigation and Adaptation Commission to make recommendations for specific state and county actions, establish a maintenance schedule for updating the sea level rise vulnerability and adaptation report, and conduct community engagement to raise awareness of the impacts of sea level rise.

Your Committee received written comments in support of this measure from the Department of Transportation, Office of Hawaiian Affairs, Office of Planning, Department of Land and Natural Resources Climate Commission, Honolulu Board of Water Supply, and nine individuals.

Your Committee received written comments on this measure from the Department of Land and Natural Resources, Hawaii Association of Realtors, and one individual.

Your Committee finds that this measure will help to establish a coordinated, government-wide approach to addressing, planning for, and adapting to the expected rise in sea levels over the coming decades.

Your Committee has amended this measure by:

- (1) Changing from July 1, 2019, to December 31, 2023, the deadline for each department and agency of the State to complete an in-depth assessment of critical infrastructure that is at risk due to climate change and sea level rise;
- (2) Changing the amount appropriated for the Department of Health to conduct a sea level rise mitigation review to an unspecified amount;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3099, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3099, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Fevella). Noes, none. Excused, 3 (English, Kahele, Shimabukuro).

SCRep. 3371 Ways and Means on S.B. No. 3067

The purpose and intent of this measure is to require certain public buildings located on Hawaiian home lands to display a portrait of Prince Jonah Kuhio Kalaniana'ole.

Your Committee received written comments in support of this measure from the Department of Hawaiian Home Lands, Oahu Council of the Association of Hawaiian Civic Clubs, and two individuals.

Your Committee received written comments in opposition to this measure from the Center for Hawaiian Sovereignty Studies.

Your Committee finds that this measure supports the recognition of the leadership of Prince Jonah Kuhio Kalaniana'ole on the centennial anniversary of the adoption by the United States Congress of the Hawaiian Homes Commission Act of 1920, authored by Prince Kuhio.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3067, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3067, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (Riviere, Shimabukuro).

SCRep. 3372 Ways and Means on S.B. No. 2079

The purpose and intent of this measure is to amend reporting requirements regarding certain fund accounts.

Specifically, this measure requires:

- (1) Departments, in their annual reports to the Legislature regarding their non-general fund accounts, to include the status of implementation of any recommendations made by the Auditor; and
- (2) The Office of the Auditor, in its annual report to the Legislature regarding its special, revolving, and trust fund accounts, to include an update on fund recommendations that were made within the past five years that have not been implemented.

Your Committee received written comments on this measure from the Office of the Auditor.

Your Committee finds that this measure would provide valuable information to the Legislature regarding the status, administration, and expenditures of certain state funds.

Your Committee has amended this measure by:

- (1) Requiring any report submitted pursuant to section 37-47, Hawaii Revised Statutes, to be submitted to both the Legislature and the Auditor;
- (2) Requiring the Auditor to submit to the Legislature a compilation report that includes all reports submitted by any department pursuant to section 37-47, Hawaii Revised Statutes, as well as an assessment by the Auditor regarding the validity of the information in each department's report;
- (3) Adding a statutory reference to more specifically describe the Auditor's annual report required under section 23-12, Hawaii Revised Statutes;
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2079, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2079, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Shimabukuro).

SCRep. 3373 Ways and Means on S.B. No. 2102

The purpose and intent of this measure is to clarify that the appropriation made by Act 127, Session Laws of Hawaii 2019, for an Alzheimer's disease and related dementia services coordinator is for one full-time equivalent position.

Your Committee received written comments in support of this measure from the Alzheimer's Association, Aloha Chapter; and one individual.

Your Committee received written comments on this measure from the Executive Office on Aging.

Your Committee finds that there are more than twenty-nine thousand individuals living in the State with Alzheimer's disease or a related dementia. Your Committee believes that the Alzheimer's disease and related dementia services coordinator position provided for in this measure will assist those affected in addressing the challenges of living with these illnesses.

Your Committee has amended this measure by:

- (1) Clarifying that the purpose of the appropriation is to establish and fill one-full time equivalent position of Alzheimer's disease and related dementia services coordinator;
- (2) Changing the amount of general funds appropriated from \$59,616 to an unspecified amount;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive changes for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2102, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2102, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (English, Kahele).

SCRep. 3374 Ways and Means on S.B. No. 2429

The purpose and intent of this measure is to extend the state-funded medical assistance provided to eligible pregnant women for up to one year post-pregnancy in certain circumstances.

Your Committee received written comments in support of this measure from the AAUW of Hawaii; Planned Parenthood Votes Northwest and Hawaii; Hawaii Women's Coalition; Hawaii Primary Care Association; American Academy of Pediatrics; March of

Dimes; Hawaii Section of the American College of Obstetrics and Gynecologists; Hawaii Maternal and Infant Health Collaborative; Hawaii Children's Action Network Speaks!; Hawaii Appleseed Center for Law and Economic Justice; Hawaii Substance Abuse Coalition; Early Childhood Action Strategy; Aloha House, Inc.; and numerous individuals.

Your Committee received written comments on this measure from the Department of Human Services.

Your Committee finds that many women have pregnancy-related health care needs that extend beyond the sixty days of postpartum care currently authorized under Medicaid. Addressing these health care needs and improving maternal health are priorities for the State.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2429, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2429, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Riviere, Shimabukuro).

SCRep. 3375 Ways and Means on S.B. No. 2488

The purpose and intent of this measure is to improve the recruitment and retention of qualified teachers by providing additional funds to the Department of Education for discretionary salary adjustments.

More specifically, this measure makes a one-time appropriation of \$25,000,000 to fund teacher compensation, as negotiated and executed as a memorandum of agreement on teacher compensation between the Superintendent of Education and the Hawaii State Teachers Association as the exclusive representative of collective bargaining unit (5).

Your Committee received written comments in support of this measure from the Department of Education, State Public Charter School Commission, Kamehameha Schools, Americans for Democratic Action Hawaii, Hawaii State Teachers Association, Democratic Party of Hawaii Education Caucus, Hawaii Iron Workers Stabilization Fund, Hui for Excellence in Education Coalition, ILWU Local 142, and more than two hundred seventy-five individuals.

The Department of Budget and Finance submitted written comments on this measure.

Your Committee finds that the State continues to face a chronic teacher shortage, which undermines student learning and achievement. The additional funds appropriated by this measure will help to support the Department of Education's efforts to improve the recruitment and retention of qualified teachers.

Your Committee has amended this measure by:

- (1) Expanding the measure's purpose section to include additional legislative findings;
- (2) Increasing, from \$25,000,000 to \$26,769,500, the appropriation for teacher compensation pursuant to the memorandum of understanding;
- (3) Appropriating funds to address compensation for classroom teacher shortage differentials;
- (4) Appropriating funds for fringe benefit costs for teacher compensation; and
- (5) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2488, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2488, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Shimabukuro, Taniguchi, Fevella).

SCRep. 3376 Ways and Means on S.B. No. 2500

The purpose and intent of this measure is to appropriate funds to the Hawaii Technology Development Corporation for the Small Business Innovation Research Program, Manufacturing Assistance Program, and Excelerator Program.

Your Committee received written comments in support of this measure from the Hawaii Technology Development Corporation; Oceanlit Laboratories, Inc.; Makai Ocean Engineering, Inc.; Ko Bakery; NMG Network; Aloha Edibles, Inc.; TeleVoice 2000; Hawaii Food Industry Association; Experiad Solutions; Mana Up; Elemental Excelerator; Purple Maia Foundation; Shifted Energy; Hawaii Fish Company, Inc.; Neurobehavioral Research, Inc.; Adnoviv, Inc.; Maui Chamber of Commerce; Chamber of Commerce Hawaii; Hawaiian Chip Company, LLC; Ten Tomorrow; and six individuals.

Your Committee finds that the Hawaii Technology Development Corporation helps to grow and sustain the State's manufacturing industry and small business community and that these businesses are critical to the State's economy.

Your Committee has amended this measure by:

- (1) Providing that the funds appropriated for the Hawaii Small Business Innovation Research Program, Manufacturing Assistance Program, and Excelsior Program shall not be released to the Hawaii Technology Development Corporation unless certain previous appropriations are encumbered;
- (2) Establishing and appropriating funds for a working group to develop a strategic plan for a climate innovation technology park to be located on Coconut Island and to recommend other opportunities for the State to invest in technology to combat climate change;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

Your Committee notes that the working group shall provide to the Legislature, no later than December 31, 2021, a timeline for the development and completion of its strategic plan. Your Committee also notes that the working group established and funded by this measure will help the State meet both environmental and economic goals by exploring the possibility of developing a climate innovation technology park and other opportunities for the State to invest in technology to combat climate change.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2500, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2500, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, none. Excused, 5 (Harimoto, Kahele, Keith-Agaran, Riviere, Taniguchi).

SCRep. 3377 Ways and Means on S.B. No. 2637

The purpose and intent of this measure is to protect children from lead hazards.

Specifically, the measure:

- (1) Establishes benchmarks at which children in the State shall be tested for lead poisoning, based on age or environment;
- (2) Requires certain health care facilities to test their patients for lead poisoning; and
- (3) Requires insurance coverage for certain blood lead testing services.

Your Committee received written comments in support of this measure from the Department of Health; Healthy Mothers Healthy Babies Coalition of Hawaii; Muranaka Environmental Consultants, Inc.; Hawaii Children's Action Network Speaks!; and three individuals.

Your Committee received written comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that lead poisoning can have devastating, lifelong effects on children and can be the cause of learning disabilities, behavioral problems, high blood pressure, organ damage, and other health problems. Your Committee believes that, although federal law mandates that all medicaid-insured children be tested for lead poisoning at one and two years of age, the State should impose the same age-based testing requirement, as well as environmentally-based requirements, for all children.

Your Committee has amended this measure by:

- (1) Clarifying that the lead inspectors conducting inspections pursuant to the measure shall be certified by the Department of Health;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2637, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2637, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3378 (Majority) Ways and Means on S.B. No. 2818

The purpose and intent of this measure is to require and appropriate funds for the Hawaii State Energy Office to conduct a study regarding the availability, feasibility, and costs of the use of renewable gas in Hawaii by gas utility companies.

Your Committee received written comments in support of this measure from the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs; Hawaii State Energy Office; University of Hawaii System; Big Island Community Coalition; Hawaii Bioeconomy Trade Organization; Blue Planet Foundation; Chamber of Commerce Hawaii; Coalition for Renewable Natural Gas; Hawaii Gas; Hawaiian Electric Company, Inc.; Land Use Research Foundation of Hawaii; Par Hawaii; Our Revolution Hawaii; Ulupono Initiative; and numerous individuals.

Your Committee received written comments in opposition to this measure from 350 Hawaii and numerous individuals.

Your Committee finds that the study required under this measure will provide important data to support future policies to increase the development, deployment, and use of renewable natural gas in the State. Your Committee believes that an increase in the use of renewable natural gas will decarbonize the State's economy while simultaneously improving environmental quality.

Your Committee has amended this measure by:

- (1) Replacing the Hawaii State Energy Office with the Public Utilities Commission as the entity to conduct the study;
- (2) Adding lifecycle greenhouse gas emissions for existing and renewable gas supplies to the list of factors for assessing the ability to use renewable gas at reasonable costs;
- (3) Deleting the appropriation for conducting the study;
- (4) Making the measure take effect upon its approval; and
- (5) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2818, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2818, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 8. Noes, 1 (Fevella). Excused, 4 (Kahele, Kidani, Riviere, Shimabukuro).

SCRep. 3379 Ways and Means on S.B. No. 3104

The purpose and intent of this measure is to provide solutions to expeditiously develop housing for working families in the State.

Specifically, this measure:

- (1) Exempts from the definition of public land those lands set aside by the Governor or leased by any state department or agency to the Hawaii Housing Finance and Development Corporation for the primary purpose of developing affordable housing;
- (2) Requires the Hawaii Housing Finance and Development Corporation to transfer certain housing units to the Department of Hawaiian Home Lands or the Office of Hawaiian Affairs;
- (3) Requires the Hawaii Housing Finance and Development Corporation to identify state lands that can be developed for multi-unit dwellings;
- (4) Requires the Hawaii Housing Finance and Development Corporation to submit to the Legislature by December 31, 2020, a program addressing certain housing issues;
- (5) Authorizes the issuance of general obligation bonds, the proceeds of which shall be used for the establishment of infrastructure for housing;
- (6) Appropriates funds for three full-time equivalent project manager positions;
- (7) Authorizes a person to petition the appropriate county land use decision-making authority for a change in the boundary of a district involving certain lands comprising twenty-five acres or less;
- (8) Authorizes the Department of Land and Natural Resources State Historic Preservation Division to delegate the responsibility of historic preservation project reviews to the respective counties;
- (9) Establishes the Office of the Housing Advocate; and
- (10) Repeals the statutory cap on the amount of conveyance tax revenues that are deposited into the rental housing revolving fund each fiscal year.

Your Committee received written comments in support of this measure from the Office of the Governor; University of Hawaii System; Department of Agriculture; Hawaii Public Housing Authority; Land Use Commission; Department of Transportation Services of the City and County of Honolulu; Office of Housing and Community Development of the County of Hawaii; Hawaii Kai Homeless Task Force; Kohala Coast Resort Association; Catholic Charities Hawaii; IMUAlliance; Young Progressives Demanding Action; Island Business Management, LLC; KAI Hawaii, Inc.; Kamehameha Schools; Hawaii Association of REALTORS; Faith Action for Community Equity; Environmental Caucus of the Democratic Party of Hawaii; Hawaii Community Foundation; Sierra Club of Hawaii; Hawaii Appleseed Center for Law and Economic Justice; and numerous individuals.

Your Committee received written comments in opposition to this measure from the Hawaii Housing Finance and Development Corporation, Kihei Community Association, Hawaiian Affairs Caucus of the Democratic Party of Hawaii, and ten individuals.

Your Committee received written comments on this measure from the Department of Land and Natural Resources, Department of the Attorney General, Office of Hawaiian Affairs, Department of Hawaiian Home Lands, Office of Planning, Department of Planning and Permitting of the City and County of Honolulu, Tax Foundation of Hawaii, Parents and Children Together, Bank of Hawaii, Hawaii Island Community Development Corporation, Pacific Resource Partnership, and Kupuna for the Moopuna.

Your Committee finds that the State's high cost of living and lack of affordable housing has led to an unprecedented population decline. Your Committee further finds that housing costs in the State continue to rise, keeping homeownership outside the reach of many Hawaii residents. Your Committee also finds that the solutions provided in this measure will expeditiously develop housing for the State's working families.

Your Committee has amended this measure by:

- (1) Establishing a residential leasehold program within the Hawaii Housing Finance and Development Corporation to develop residential leasehold projects on state lands set aside by the Governor or leased by any state department or agency to the Hawaii Housing Finance and Development Corporation; provided that the residential leases do not exceed ninety-nine years;

- (2) Deleting provisions requiring the transfer of housing units from the Hawaii Housing Finance and Development Corporation to the Department of Hawaiian Home Lands or the Office of Hawaiian Affairs;
- (3) Removing the requirement that residential units be priced to be affordable to families making eighty percent of the area median income, and instead providing a preference for projects that deliver the greatest amount of lower-priced units;
- (4) Providing that all lands set aside by the Governor or leased by a state agency to the Hawaii Housing Finance and Development Corporation for the primary purpose of developing affordable housing, and not just those lands set aside for a period not to exceed ninety-nine years, shall be exempt from the definition of "public lands";
- (5) Clarifying that the Hawaii Housing Finance and Development Corporation is required to submit a report to the Legislature that addresses certain housing concerns no later than twenty days prior to the convening of the Regular Session of 2021;
- (6) Deleting a requirement that the Hawaii Housing Finance and Development Corporation produce a demonstration project;
- (7) Providing that the appropriation to the dwelling unit revolving fund made in section 8 of the measure shall not lapse at the end of the current fiscal biennium;
- (8) Removing a requirement that the infrastructure constructed using general obligation bond proceeds be used for construction in which the majority of the square footage of the development is housing to be occupied in perpetuity by Hawaii residents who own no other real property;
- (9) Providing that the three full-time equivalent project manager positions shall be funded by moneys in the dwelling unit revolving fund for fiscal year 2020-2021, and providing that the appropriation and positions shall be included in the Hawaii Housing Finance and Development Corporation's base budget in future fiscal bienniums;
- (10) Clarifying that, following a hearing, a person who is found to have violated a condition of a decision and order of the Land Use Commission may be subject to civil penalties;
- (11) Prohibiting a person from petitioning a county decision-making authority for a boundary amendment of a district involving conservation lands;
- (12) Removing the requirement that a person petitioning a county decision-making authority for a boundary amendment of land comprising twenty-five acres or less must use a majority of the square footage of the development for Hawaii residents who are owner-occupants and own no other real property, and instead requiring that a majority of the development be for affordable housing, with a preference for projects that are able to deliver more lower-priced housing;
- (13) Removing a provision providing for the reversion of parceled land back to the land's original classification;
- (14) Providing that if a petitioner fails to adhere to or comply with representations made to the Land Use Commission, or conditions imposed by the Commission, and:
 - (A) The Commission decides that the failure does not warrant reversion to the land's former land use classification; or
 - (B) Use of the land has substantially commenced,
 the Land Use Commission may record a notice of noncompliance with the Bureau of Conveyances, modify existing conditions or impose new conditions to ensure compliance, or provide by decision and order that the petitioner or its successors in interest shall be subject to civil penalties;
- (15) Removing a requirement that the Department of Land and Natural Resources, when delegating responsibility for review and comment of historic preservation project reviews, must consult with the Office of Hawaiian Affairs or memorialize the scope of a delegation of authority with a written agreement;
- (16) Removing a requirement that the Office of Hawaiian Affairs must approve the certification of third-party individuals and organizations to review documents prior to the documents' submission to the Department of Land and Natural Resources;
- (17) Providing that the Office of the Housing Advocate shall be funded by the general fund, rather than the dwelling unit revolving fund;
- (18) Removing a provision authorizing the Housing Advocate to set aside lands belonging to any state agency to the Hawaii Housing Finance and Development Corporation, Hawaii Public Housing Authority, or Department of Hawaiian Home Lands;
- (19) Correcting an internal cross reference;
- (20) Changing the effective date to July 1, 2020; and
- (21) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3104, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3104, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Kahele, Fevella). Noes, none. Excused, 2 (Riviere, Shimabukuro).

SCRep. 3380 Ways and Means on S.B. No. 3180

The purpose and intent of this measure is to make an emergency appropriation to the State Public Charter School Commission to pay the claim and settlement amount pursuant to *Miller-Potter v. State of Hawaii, et al.*, Civil No. 16-1-0385K.

Your Committee received written comments in support of this measure from the State Public Charter School Commission.

Your Committee finds that this emergency appropriation will allow the State Public Charter School Commission to pay the claim and settlement amount without expending funds intended for the operations of the public charter schools and the education of public charter school students.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount; and
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3180, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3180, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3381 Ways and Means on S.B. No. 2301

The purpose and intent of this measure is to abate cigarette litter in the State.

More specifically, this measure:

- (1) Establishes a cigarette litter abatement special fund, which shall be used to cover the costs of collecting and removing cigarette litter and providing outreach and education to curb improper cigarette litter disposal;
- (2) Establishes a cigarette litter abatement excise tax of an unspecified amount, the revenues of which are to be deposited into the cigarette litter abatement special fund; and
- (3) Appropriates moneys to the cigarette litter abatement special fund.

Your Committee received written comments in support of this measure from the Coalition for a Tobacco-Free Hawaii and seven individuals.

Your Committee received written comments in opposition to this measure from the Hawaii Smokers Alliance and numerous individuals.

Your Committee received written comments on this measure from the Department of Budget and Finance, Department of Health, Department of Taxation, and Tax Foundation of Hawaii.

Your Committee finds that cigarettes are the most littered item on earth, with more than forty-five trillion cigarettes littered each year. Your Committee also finds that littered cigarette butts pose an environmental hazard, can contaminate water, and are harmful to wildlife. Your Committee further finds that cities annually spend between \$3,000,000 and \$16,000,000 to clean up cigarette litter.

Your Committee has amended this measure by:

- (1) Deleting the provisions establishing a cigarette litter abatement excise tax;
- (2) Increasing to an unspecified amount the existing cigarette excise tax and allocating the increase in tax revenues to the cigarette litter abatement special fund;
- (3) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (4) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2301, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2301, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10; Ayes with Reservations (Riviere). Noes, none. Excused, 3 (Harimoto, Inouye, Kahele).

SCRep. 3382 Ways and Means on S.B. No. 2392

The purpose and intent of this measure is to appropriate funds to the University of Hawaii to provide stipends for students and, at the discretion of the John A. Burns School of Medicine, support for existing programs of the Imi Hoola Post-Baccalaureate Program.

Your Committee received written comments in support of this measure from the University of Hawaii System, Hawaii Public Health Association, Hawaii State Rural Health Association, Hawaii Public Health Institute, Chamber of Commerce Hawaii, and numerous individuals.

Your Committee finds that this measure supports the training and education of students from disadvantaged backgrounds who are pursuing a medical education in the State. Your Committee further finds that this measure aligns with the need to support and increase the training, education, and success of medical professionals in the State to meet Hawaii's growing health care needs.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2392, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2392, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (Riviere, Shimabukuro).

SCRep. 3383 Ways and Means on S.B. No. 2409

The purpose and intent of this measure is to encourage former residents to return to the State by establishing a returning resident down payment program to assist qualified applicants with the purchase of a single family home for use as a primary residence.

More specifically, this measure:

- (1) Requires the Hawaii Housing Finance and Development Corporation to administer the program;
- (2) Specifies the maximum amount of matching funds that may be awarded to a qualified applicant under the program and the eligibility criteria that must be satisfied;
- (3) Establishes the returning resident down payment special fund and deposits an unspecified amount of general funds into the special fund; and
- (4) Appropriates an unspecified sum to the Corporation for the program.

Your Committee received written comments in support of this measure from Hana High and Elementary School and eight individuals.

Written comments in opposition were received from the Hawaii Housing Finance and Development Corporation and two individuals.

The Department of Budget and Finance submitted written comments on this measure.

Your Committee finds that the continued out-migration of Hawaii residents due to the State's high cost of living, including many skilled and educated members of the workforce, results in economic, social, and cultural burdens for the State. Your Committee further finds that encouraging the return of former residents by helping them to afford the purchase of a home in the State's high-priced housing market is a concept that merits further discussion as this measure moves forward in the legislative process.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2409, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2409, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11; Ayes with Reservations (Harimoto, Moriwaki). Noes, none. Excused, 2 (Riviere, Shimabukuro).

SCRep. 3384 Ways and Means on S.B. No. 2484

The purpose and intent of this measure is to support the research and development of innovative curriculum, instructional materials, and related technologies in the State.

More specifically, this measure:

- (1) Establishes the education research and development revolving fund;
- (2) Appropriates an unspecified sum of general funds for deposit into the education research and development revolving fund; and
- (3) Appropriates out of the education research and development revolving fund an unspecified sum to support the research and development of innovative curriculum, instructional materials, and related technologies.

Your Committee received written comments in support of this measure from the Department of Education.

Your Committee received written comments on this measure from the Department of Budget and Finance.

Your Committee finds that this measure aligns with the Board of Education's policy to encourage the piloting or implementation of innovative projects related to curricula, instructional or resource materials, methodology, instructional arrangements, or facilities, to identify practices that contribute to improved student learning and achievement in the State.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2484, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2484, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (Riviere, Shimabukuro).

SCRep. 3385 Ways and Means on S.B. No. 2054

The purpose and intent of this measure is to establish a real property surcharge to fund infrastructure improvements.

Specifically, this measure:

- (1) Establishes an annual surcharge on transit-oriented development properties that have been sold after a state appropriation has been made to improve the infrastructure in the district in which that property is located;
- (2) Requires the counties to collect the surcharge and allocates a portion of the surcharge revenue to the applicable county; and
- (3) Provides that the measure shall take effect upon ratification of a constitutional amendment proposed by another measure.

For purposes of a public hearing, your Committee circulated a proposed S.D. 2 of the measure and notified the public that your Committee would be accepting testimony on the proposed S.D. 2, which replaces the contents of the measure with provisions that:

- (1) Authorize the cost of regional infrastructure improvements made by the Hawaii Housing Finance and Development Corporation to be assessed against transit-oriented development projects that specifically benefit from those improvements; and
- (2) Clarify that the Hawaii Interagency Council for Transit-Oriented Development may approve appropriate grants and loans for certain infrastructure improvements.

Your Committee received written comments in support of the S.D. 1 from the Hawaii Community Development Authority.

Your Committee received written comments in opposition to the S.D. 1 from a member of the Maui County Council, Office of the Mayor of the County of Hawaii, and Hawaii Association of REALTORS.

Your Committee received written comments on the S.D. 1 from the Department of Taxation, Department of Land and Natural Resources, Office of Planning, Tax Foundation of Hawaii, and Building Industry Association of Hawaii.

Your Committee received written comments in support of the proposed S.D. 2 from the Hawaii Housing Finance and Development Corporation and Office of Planning.

Your Committee finds that requiring the Hawaii Interagency Council for Transit-Oriented Development to review and make a recommendation on applications for a grant or loan for a transit-oriented development infrastructure project will assist the applicable county council, mayor, or state agency in determining the best use of funds within the applicable regional state infrastructure subaccount.

Your Committee has amended this measure by adopting the proposed S.D. 2 with the following further amendments:

- (1) Removing language explicitly authorizing the Hawaii Interagency Council for Transit-Oriented Development to approve appropriate grants and loans for certain capital improvement projects; and
- (2) Requiring the Hawaii Interagency Council for Transit-Oriented Development to review and make recommendations on applications for subaccount funds for infrastructure projects related to transit-oriented development.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2054, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2054, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 8. Noes, none. Excused, 5 (Harimoto, Kahele, Keith-Agaran, Riviere, Taniguchi).

SCRep. 3386 Ways and Means on S.B. No. 2491

The purpose and intent of this measure is to establish a family leave insurance benefit program in the State.

More specifically, this measure:

- (1) Extends the allowable period of family leave from four to sixteen weeks for any business in the State that employs one or more employees; and
- (2) Appropriates funds for the administration of a family leave insurance benefit program in the State.

Your Committee received written comments in support of this measure from the Department of Human Services, Hawaii State Commission on the Status of Women, Americans for Democratic Action Hawaii, American Association of University Women of Hawaii, Planned Parenthood Votes Northwest and Hawaii, Common Cause Hawaii, Breastfeeding Hawaii, ILWU Local 142, Community Alliance on Prisons Hawaii, Early Childhood Action Strategy, Pono Hawaii Initiative, Hawaii Appleseed Center for Law and Economic Justice, Democratic Party of Hawaii Education Caucus, Hawaii State Teachers Association, IMUA Alliance, Hawaii Public Health Institute, Parents and Children Together, Hawaii Children's Action Network Speaks!, March of Dimes Hawaii, American Civil Liberties Union of Hawaii, Hawaii Women's Coalition, and three individuals.

Your Committee received written comments in opposition to this measure from the Department of Labor and Industrial Relations, Hawaii Restaurant Association, Hawaii Food Industry Association, Chamber of Commerce Hawaii, Retail Merchants of Hawaii, Maui Chamber of Commerce, and one individual.

Your Committee received written comments on this measure from The Queen's Health Systems and the Hawaii Government Employees Association.

Your Committee finds that this measure provides working families in the State with the flexibility necessary for individuals to temporarily leave work to provide care for certain family members without risking their career or financial stability.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2491, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2491, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Moriwaki, Riviere, Fevella). Noes, none. Excused, 2 (English, Kahele).

SCRep. 3387 Ways and Means on S.B. No. 2527

The purpose and intent of this measure is to facilitate the deployment of broadband infrastructure in unserved and underserved areas of the State.

More specifically, this measure:

- (1) Establishes a broadband infrastructure grant program within the Department of Business, Economic Development, and Tourism to award grants to eligible projects pursuant to the program;
- (2) Requires the Department of Business, Economic Development, and Tourism to adopt rules pursuant to Chapter 91, Hawaii Revised Statutes, to implement the broadband infrastructure grant program; and
- (3) Appropriates funds for the establishment and administration of the broadband infrastructure grant program.

Your Committee received written comments in support of this measure from Charter Communications and two individuals.

Your Committee received written comments in opposition to this measure from Keep Your Power and numerous individuals.

Your Committee received written comments on this measure from the Department of Commerce and Consumer Affairs and Department of Business, Economic Development, and Tourism.

Your Committee finds that this measure supports increased efficiency and effectiveness of economic development, education, health care, and emergency services by facilitating the deployment of broadband infrastructure in unserved and underserved areas of the State.

Your Committee has amended this measure by:

- (1) Deleting the section of the bill that provides an appropriation to the Department of Business, Economic Development, and Tourism for the establishment and administration of the broadband infrastructure grant program; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2527, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2527, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Riviere, Shimabukuro).

SCRep. 3388 Ways and Means on S.B. No. 2658

The purpose and intent of this measure is to create the position of housing coordinator in the State to coordinate efforts among state agencies to increase the supply of housing, including affordable housing.

Your Committee received written comments in support of this measure from the Building Industry Association of Hawaii, Partners in Housing, and Chamber of Commerce Hawaii.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee received written comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that this measure aligns with the State's goal of increasing affordable housing, including rental housing, in the State.

Your Committee has amended this measure by:

- (1) Inserting an unspecified appropriation to fund the housing coordinator position;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2658, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2658, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Kahele, Taniguchi).

SCRep. 3389 Ways and Means on S.B. No. 2695

The purpose and intent of this measure is to promote the development of affordable housing in the State.

More specifically, this measure:

- (1) Creates a housing incentive fund to be administered by the Hawaii Public Housing Authority for multifamily housing for essential workers and low- to moderate-income households;
- (2) Creates a tax credit for individuals or taxpaying entities who make contributions to the housing incentive fund; and
- (3) Authorizes the issuance of general obligation bonds to fund the housing incentive fund.

Your Committee received written comments in support of this measure from the Hawaii Public Housing Authority, Catholic Charities Hawaii, Maui Chamber of Commerce, and one individual.

Your Committee received written comments on this measure from the Department of Budget and Finance, Department of Taxation, and Tax Foundation of Hawaii.

Your Committee finds that this measure will provide a catalyst for the Hawaii Public Housing Authority to move more quickly in rehabilitating its aging inventory of public housing units and investing in future redevelopment projects.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2695, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2695, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3390 Ways and Means on S.B. No. 2720

The purpose and intent of this measure is to prohibit state agencies from purchasing beverages in plastic bottles or rigid plastic containers, subject to limited exceptions.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources, Department of Health, Department of Education, and six individuals.

Your Committee received written comments in opposition to this measure from the American Chemistry Council, Hawaii Food Industry Association, and American Beverage Association.

Your Committee received written comments on this measure from the Department of Human Services and State Procurement Office.

Your Committee finds that debris from plastic bottles and other plastic sources degrade land and ocean-based habitats and negatively impact wildlife in many ways. This measure will help to reduce the consumption of plastic bottles, the expenditure of energy resources to produce those bottles, and the volume of plastic waste that inadvertently enters the natural environment.

Your Committee has amended this measure by:

- (1) Removing the exceptions under which plastic bottles or rigid plastic containers may be purchased by state agencies;
- (2) Clarifying that moneys from revolving funds and trust accounts shall be included among the moneys that shall not be expended to purchase beverages in plastic bottles or rigid plastic containers;
- (3) Making a conforming amendment to the title of part III of Chapter 342H, Hawaii Revised Statutes;
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2720, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2720, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (English, Kahele, Shimabukuro).

SCRep. 3391 Ways and Means on S.B. No. 2776

The purpose and intent of this measure is to require the Department of Health to expand its brown water advisory-related activities and the Auditor to review the management practices of the Department's Environmental Management Division.

More specifically, this measure:

- (1) Requires the Department of Health to:
 - (A) Include in its Hawaii beach monitoring program water quality testing during brown water advisories;
 - (B) Issue health advisories during brown water advisories informing the public of the health risks associated with water runoff; and
 - (C) Establish an Environmental Management Division Oversight Advisory Board to provide to the Environmental Management Division oversight and guidance;
- (2) Requires the Auditor to conduct a performance and management audit of the Environmental Management Division of the Department of Health, with a focus on the Division's Clean Water and Wastewater Branches, and submit a report of its findings and recommendations; and
- (3) Appropriates moneys to the Auditor to conduct the required audit.

Your Committee received written comments in support of this measure from Surfrider Foundation, Surfrider Foundation Kauai Chapter, Surfrider Foundation Maui Chapter, Surfrider Foundation Oahu Chapter, and numerous individuals.

Your Committee received written comments in opposition to this measure from the Department of Health.

Your Committee received written comments on this measure from the Office of the Auditor.

Your Committee finds that performing water quality testing and providing information to the public about the health risks of water runoff during brown water advisories will help to protect public health.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2776, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2776, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Riviere, Shimabukuro).

SCRep. 3392 Ways and Means on S.B. No. 2849

The purpose and intent of this measure is to assist the Law Enforcement Standards Board in fulfilling its duties.

Specifically, the measure:

- (1) Authorizes designees to serve in place of certain ex officio members of the board;
- (2) Increases the number of non-ex officio law enforcement members of the board from two to five;
- (3) Exempts the appointment of non-ex officio members of the board from Senate confirmation;
- (4) Increases the length of the term served by non-ex officio members of the board from three years to four years;
- (5) Requires the board to consider studies relevant to the board's objectives;
- (6) Requires the board to conduct its own study on how the board may fulfill its duties;
- (7) Retroactively changes the effective date of certain statutory sections relating to the certification, appointment, and employment of law enforcement officers; and
- (8) Appropriates \$483,000 to the board for two employee positions and administrative expenses.

Your Committee received written comments in support of this measure from the Department of the Attorney General; Department of Land and Natural Resources; Department of Public Safety; Department of Transportation; Hawaii Police Department; and Kauai Police Department.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee recognizes that the Law Enforcement Standards Board's duties include the establishment and enforcement of minimum employment standards for and certification of law enforcement officers throughout the State. Your Committee believes that these employment and certification standards are necessary for public health, safety, and welfare. Your Committee finds that in order to establish appropriate standards, the board needs to consult with various stakeholders, consider reputable studies, and hire appropriate staff. Your Committee also finds that all of the foregoing steps will require time, monetary resources, and the active participation of board members.

Your Committee has amended this measure by:

- (1) Clarifying how the non-ex officio law enforcement members of the board shall be representative of the State and counties;

- (2) Clarifying that certain members of the board are exempt from the "advice and consent of the senate" normally required by section 26-34, Hawaii Revised Statutes;
- (3) Removing language intended to retroactively change the effective date of sections 139-6 and 139-7, Hawaii Revised Statutes, and instead amending sections 139-6 and 139-7, Hawaii Revised Statutes, to establish deadlines relating to the issuance of certifications for, and appointment and employment of, law enforcement officers;
- (4) Establishing that a law enforcement officer who entered into employment with an applicable county or state law enforcement agency before July 1, 2023, shall not be terminated for failure to possess a valid law enforcement certification if the termination would violate a valid collective bargaining agreement;
- (5) Changing the appropriations to unspecified amounts;
- (6) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (7) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2849, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2849, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (Riviere, Shimabukuro).

SCRep. 3393 Ways and Means on S.B. No. 2908

The purpose and intent of this measure is to require the Board of Land and Natural Resources to pay the annual debt service on the reimbursable general obligation bonds for the Turtle Bay Conservation Easement.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that this measure will streamline the process for the Department to make debt service payments on the specified bonds.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2908, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2908, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 12; Ayes with Reservations (Kidani). Noes, none. Excused, 1 (Taniguchi).

SCRep. 3394 Ways and Means on S.B. No. 2812

The purpose and intent of this measure is to address issues related to the transfer of certain non-agricultural park lands authorized by Act 90, Session Laws of Hawaii 2003 (Act 90).

Specifically, this measure:

- (1) Includes the care and production of pasture lands as an agricultural activity on non-agricultural park lands;
- (2) Requires the Department of Land and Natural Resources to transfer certain non-agricultural park lands to the Department of Agriculture;
- (3) Requires the Department of Land and Natural Resources to accept and return to its land inventory certain parcels or portions of parcels determined by the Department of Agriculture to be unsuitable or unnecessary for agricultural use;
- (4) Requires reports to the Legislature regarding these land transfers; and
- (5) Appropriates funds for the purposes of this Act.

Your Committee received written comments in support of this measure from the Department of Agriculture; Hawaii Beef LLC; Larry Jefts Farms, LLC; County Farm Bureau; Flowers Forever; Pembroke Industries; Aikane Plantation; Hawaii Food Products Inc.; Momona Farm; Mahi Pono; Hawaii Coconut Protectors LLC; M. Kawamura Farm; Wines of Kauai, LLC; Waihale Products; KM Farm and Ranch; Consult and Construct, LLC; Kauai Community Science Center; Meadow Gold Dairies; Matsuda-Fukuyama Farms; Hartung Brothers; Hawaii Cattlemen's Council; Hawaii Aquaculture and Aquaponics Association; Land Use Research Foundation of Hawaii; McCandless Ranch; Maui County Farm Bureau; Local Food Coalition; Hawaii Crop Improvement Association; Ponoholo Ranch Limited; Hawaii Farm Bureau; Kapapala Ranch; New Island Feed, Inc.; Hawaii Farm Bureau Federation; Melvin Kunitake Farm; Kamiya Papaya; Kunia Village Title Holding Corporation; Pacific Ag Consultants; Ajar Inc.; Kahuku Farmers Inc.; Hawaii Meats LLC; Ulupono Initiative; Seymour Resources Hawaii; and numerous individuals.

Your Committee received written comments in opposition to this measure from the Office of Hawaiian Affairs, Department of Land and Natural Resources, Sierra Club of Hawaii, Ahahui Malama I Ka Lokahi/Hawaiians for the Conservation of Native Ecosystems, Conservation Council for Hawaii, and eight individuals.

Your Committee finds that this measure addresses the concerns of the lessees of many large acreages of land, primarily farmers and ranchers, who were notified that the lands they lease would be transferred to the Department of Agriculture pursuant to Act 90, Session

Laws of Hawaii 2003. Your Committee further finds that in the intervening seventeen years since the enactment of Act 90, the lands authorized for transfer remain with the Department of Land and Natural Resources.

Your Committee has amended this measure by:

- (1) Requiring, by no later than June 30, 2021, the Department of Land and Natural Resources to transfer certain non-agricultural park lands, listed by tax map key number, to the Department of Agriculture as authorized by section 166E-3, Hawaii Revised Statutes;
- (2) Requiring that the land transfers be executed without limitation; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2812, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2812, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Moriwaki, Riviere). Noes, none. Excused, 2 (English, Kahele).

SCRep. 3395 Ways and Means on S.B. No. 2842

The purpose and intent of this measure is to expedite emergency procurement.

More specifically, the measure:

- (1) Authorizes a procurement code exemption for a construction procurement that is available from multiple sources but for which procurement by competitive means is either not practicable or not advantageous to the State;
- (2) Expands the scope of emergency procurements that can be made by a state or county agency; and
- (3) Replaces the requirement that approval be obtained, when practicable, from an agency's chief procurement officer prior to an emergency procurement to instead allow a subsequent report to the Legislature on the procurement.

Your Committee received written comments in support of this measure from the Department of Transportation, Department of Accounting and General Services, and Hawaii State Public Library System.

Your Committee received written comments in opposition to this measure from the Department of Budget and Fiscal Services of the City and County of Honolulu.

Your Committee received written comments on this measure from the State Procurement Office.

Your Committee finds that this measure will enable agencies to promptly and appropriately respond to, and rectify, a wider range of emergency situations and thereby minimize further risks, liabilities, and costs to operations and the public.

Your Committee has amended this measure by:

- (1) Clarifying that the procurement code exemption for a construction procurement includes any other procurement for goods, services, or construction that the Procurement Policy Board or the Chief Procurement Officer determines is available from multiple sources but for which procurement by competitive means is either not practicable or not advantageous to the State;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2842, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2842, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Riviere, Shimabukuro).

SCRep. 3396 Ways and Means on S.B. No. 2940

The purpose and intent of this measure is to streamline the oversight of the redevelopment of the Stadium Development District.

More specifically, this measure:

- (1) Establishes a stadium development special fund;
- (2) Authorizes the Stadium Authority to acquire and hold title to real property;
- (3) Exempts from the definition of "public lands" the lands to which the Stadium Authority holds title;
- (4) Requires the Stadium Authority to obtain legislative approval of the sale or gift of lands to which the authority holds title;
- (5) Repeals part IX, chapter 206E, Hawaii Revised Statutes, relating to the Stadium Development District;
- (6) Transfers the role of expending agency for general fund appropriations, and revenue and general obligation bond proceeds under Act 268, Session Laws of Hawaii 2019, from the Hawaii Community Development Authority to the Stadium Authority; and
- (7) Appropriates general funds for the Stadium Authority.

Your Committee received written comments in support of this measure from the Department of Accounting and General Services, Aloha Stadium Authority, and Faith Action for Community Equity.

Your Committee received written comments on this measure from the Department of Budget and Finance; Department of Land and Natural Resources; and Hawaii Community Development Authority.

Your Committee finds that this measure will facilitate the efforts of the Stadium Authority to redevelop, renovate, or improve the Stadium Development District in a manner that will be in the best interests of the State and its people.

Your Committee has amended this measure by:

- (1) Retaining the substance of two statutory sections from part IX of chapter 206E, Hawaii Revised Statutes, relating to development guidance policies and annual comprehensive reports, by adding their provisions as new sections to chapter 109, Hawaii Revised Statutes; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2940, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2940, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Taniguchi).

SCRep. 3397 Ways and Means on S.B. No. 2946

The purpose and intent of this measure is to address the State's housing crisis.

Specifically, this measure:

- (1) Establishes the ALOHA homes program to develop low-cost homes on state-owned and county-owned land in urban redevelopment sites to be sold in leasehold by the Hawaii Housing Finance and Development Corporation to qualified residents;
- (2) Exempts from the definition of "public lands", lands that are set aside by the Governor to the Hawaii Housing Finance and Development Corporation or leased to the Hawaii Housing Finance and Development Corporation by any department or agency of the State;
- (3) Requires legislative approval before the disposal of lands that are set aside by the Governor to the Hawaii Housing Finance and Development Corporation or leased to the Hawaii Housing Finance Development Corporation by any department or agency of the State;
- (4) Requires the Hawaii Housing Finance and Development Corporation to develop an ALOHA homes demonstration project by July 1, 2025; and
- (5) Appropriates funds into and out of the ALOHA homes revolving fund.

Your Committee received written comments in support of this measure from the Hawaii Kai Homeless Task Force, Church of the Crossroads, Maui Chamber of Commerce, Catholic Charities Hawaii, Faith Action for Community Equity, Environmental Caucus of the Democratic Party of Hawaii, Young Progressives Demanding Action, and four individuals.

Your Committee received written comments in opposition to this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee received written comments on this measure from the Office of Hawaiian Affairs, Department of the Attorney General, Department of Budget and Finance, Department of Hawaiian Home Lands, Department of Planning and Permitting of the City and County of Honolulu, Hawaiian Affairs Caucus of the Democratic Party of Hawaii, and one individual.

Your Committee finds that the high cost of housing and lack of housing inventory in the State create significant challenges for Hawaii residents. Your Committee further finds that the amount of new construction for housing continues to be inadequate, especially for low- to middle-income families.

Your Committee has amended this measure by:

- (1) Clarifying that the minimum number of days that unauthorized persons may be prevented from accessing an ALOHA home shall be determined by the Hawaii Housing Finance and Development Corporation by rule;
- (2) Replacing the term "local governing body" with "county council" for the purpose of clarity;
- (3) Correcting cross-references to a new subpart in part II of Chapter 201H, Hawaii Revised Statutes;
- (4) Removing redundant language that provides for the treatment of certain lands for purposes of section 5 of Act 178, Session Laws of Hawaii 2006; and
- (5) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2946, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2946, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Harimoto). Noes, none. Excused, 2 (Riviere, Shimabukuro).

SCRep. 3398 Ways and Means on S.B. No. 3036

The purpose and intent of this measure is to amend the renewable energy technologies income tax credit.

More specifically, this measure clarifies that, notwithstanding any law to the contrary, previously approved commercial utility-scale renewable energy projects that are currently under development shall continue to be eligible to claim the renewable energy technologies income tax credit at the current credit rate and cap amount.

Your Committee received written comments in support of this measure from 350 Hawaii; Climate Protectors Coalition; Hawaii Clean Power Alliance; Hoohana Solar 1 LLC; Innergex Renewables USA, LLC; and twenty-two individuals.

Your Committee received written comments in opposition to this measure from Hawaii PV Coalition, Hawaii Solar Energy Association, Sierra Club of Hawaii, and Tesla.

Your Committee received written comments on this measure from the Department of Taxation; Hawaii State Energy Office; Hawaiian Electric Company, Inc.; and Tax Foundation of Hawaii.

Your Committee finds that, as a result of pursuing its goal to reach one hundred percent renewable energy by 2045, Hawaii must continue to support utility-scale renewable energy projects that benefit residents and ratepayers. Your Committee further finds that, in order to continue to support this goal, the State must provide certainty and clarity for these projects to ensure their stability and long-term financial viability.

Your Committee has amended this measure by:

- (1) Clarifying that the measure also applies to a commercial, utility-scale renewable energy project developed pursuant to a power purchase agreement filed with and pending approval from the Public Utilities Commission prior to December 31, 2019;
- (2) Deleting the amendment to section 235-12.5(k), Hawaii Revised Statutes, that limited the eligibility to receive a tax credit only if a project has a power purchase agreement that is approved by the Public Utilities Commission or is filed with or pending approval by the Commission prior to December 31, 2019;
- (3) Repealing section 235-12.5(k), Hawaii Revised Statutes, which provides that the renewable energy technologies income tax credit applies to renewable energy technology systems installed and placed in service on or after July 1, 2009;
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3036, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3036, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 10; Ayes with Reservations (Inouye, Fevella). Noes, none. Excused, 3 (English, Kahele, Shimabukuro).

SCRep. 3399 Judiciary on H.B. No. 361

The purpose and intent of this measure is to:

- (1) Prohibit the Governor and each county mayor, while holding those offices, from maintaining any other employment or receive any emolument, beginning on the sixty-first calendar day after their election or appointment to office; and
- (2) Specify that the Hawaii State Ethics Commission has enforcement authority over the Governor and county mayors.

Your Committee received testimony in support of this measure from the Hawai'i State Ethics Commission, Common Cause Hawaii, Pono Hawai'i Initiative, and three individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the offices of the Governor and county mayors are five of the most important public offices in the State. As such, it is essential that the holders of these offices devote their full time and attention to their office and avoid even the appearance of a potential conflict of interest. Assured commitment to the people and integrity of office can be accomplished if these government officials do not hold any other employment or receive any other economic benefit related to their position while in office. This measure therefore prohibits the Governor and each county mayor from maintaining other employment or receiving any emoluments while serving as Governor or mayor.

Your Committee has amended this measure by:

- (1) Delaying the effective date of the prohibition to November 1, 2022;
- (2) Inserting language to prohibit the Governor and each county mayor from maintaining a controlling interest in a business while holding office;
- (3) Allowing the Governor and each county mayor to comply with the prohibition on maintaining a controlling interest in a business by transferring the controlling interest to a blind trust within sixty-one days of election or appointment;
- (4) Defining the term "blind trust";
- (5) Deleting language that would have given the Hawaii State Ethics Commission enforcement authority over the county mayors, thereby leaving enforcement to the counties;

- (6) Deleting language that would have given the Hawaii State Ethics Commission enforcement authority over the Governor, since the Commission currently has enforcement authority over ethics violations of state officers;
- (7) Providing that any mayor in office on November 1, 2022, shall comply with the prohibition within sixty-one days; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 361, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 361, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3400 (Joint) Human Services and Commerce, Consumer Protection, and Health on S.C.R. No. 15

The purpose and intent of this measure is to urge the Department of Health to continue expanding and improving its home visitation services reinstating a statewide network of evidence-based services for families at highest risk for child abuse and neglect.

Your Committees received testimony in support of this measure from the Parents and Children Together and two individuals. Your Committees received comments on this measure from the Department of Health.

Your Committees find that positive experiences in early childhood promote healthy socio-emotional and physical development, and a healthy, nurturing home. The healthy families America-Hawaii program was the State's primary home visiting child abuse prevention program with an excellent track record consistently showing a ninety-nine percent non-abuse rate among children of families served. Your Committees further find the program was dismantled in 2008 due to budget restrictions, leaving only the Hilo and Wai'anae sites.

Your Committees have heard testimony from the Department of Health which indicates that the Department currently provides home visiting services in all four counties on six islands utilizing three different nationally recognized evidence-based home visiting models. The Department, through its maternal, infant, and early childhood home visiting federal grant and state funding, is required to submit a needs assessment by September 30, 2020. The required needs assessment is underway and once complete the Department will have data to identify:

- (1) Potential new initiatives and new geographic areas in the state that could benefit from in home visiting services; and
- (2) Opportunities for collaboration with community partners to strengthen and expand home visiting services for at-risk families.

Your Committees also reviewed testimony from an individual in contact with the Hilo Healthy Families program who attests that the key to prevention of child abuse and neglect is in voluntary home visits at no charge to young families. They further indicated, child welfare services intervention and removal to foster care is not prevention, but adversarial to parents and punitive to minor children.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Commerce, Consumer Protection, and Health that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 15, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 15, S.D. 1.

Signed by the Chairs on behalf of the Committees.
Human Services: Ayes, 4. Noes, none. Excused, 1 (Ihara).
Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Nishihara, Thielen).

SCRep. 3401 (Joint) Human Services and Commerce, Consumer Protection, and Health on S.R. No. 16

The purpose and intent of this measure is to urge the Department of Health to continue expanding and improving its home visitation services reinstating a statewide network of evidence-based services for families at highest risk for child abuse and neglect.

Your Committees received testimony in support of this measure from the Parents and Children Together and one individual.

Your Committees find that positive experiences in early childhood promote healthy socio-emotional and physical development, and a healthy, nurturing home. The healthy families America-Hawaii program was the State's primary home visiting child abuse prevention program with an excellent track record consistently showing a ninety-nine percent non-abuse rate among children of families served. Your Committees further find the program was dismantled in 2008 due to budget restrictions, leaving only the Hilo and Wai'anae sites.

Your Committees have heard testimony from the Department of Health which indicates that the Department currently provides home visiting services in all four counties on six islands utilizing three different nationally recognized evidence-based home visiting models. The Department, through its maternal, infant, and early childhood home visiting federal grant and state funding, is required to submit a needs assessment by September 30, 2020. The required needs assessment is underway and once complete the Department will have data to identify:

- (1) Potential new initiatives and new geographic areas in the state that could benefit from in home visiting services; and
- (2) Opportunities for collaboration with community partners to strengthen and expand home visiting services for at-risk families.

Your Committees also reviewed testimony from an individual in contact with the Hilo Healthy Families program who attests that the key to prevention of child abuse and neglect is in voluntary home visits at no charge to young families. They further indicated, child welfare services intervention and removal to foster care is not prevention, but adversarial to parents and punitive to minor children.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Commerce, Consumer Protection, and Health that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 16, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 16, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Human Services: Ayes, 4. Noes, none. Excused, 1 (Ihara).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Chang, Nishihara, Thielen).

SCRep. 3402 Human Services on H.B. No. 2615

The purpose of this measure is to increase the monthly personal needs allowance for individuals living in adult residential care homes, developmental disabilities domiciliary homes, community care foster family homes, certified adult foster homes, and other long-term care facilities.

Your Committee received testimony in support of this measure from the Department of Human Services, State Council on Developmental Disabilities, Hawaii Disability Rights Center, and two individuals. Your Committee received comments on this measure from the Executive office on Aging.

Your Committee finds that the current monthly needs allowance is presently set at \$50 per month for individuals residing in foster homes, care homes, domiciliary homes, and other long-term care facilities. This amount has not been increased in thirteen years. The monthly needs allowance is used by residents in these homes and facilities for basic needs and other costs of day-to-day living. The present allowance of \$50 per month is insufficient for the allowances intended purpose.

Your Committee recognizes that raising the personal needs allowance is vital to keep pace with inflation and provide financial independence and control for individuals who benefit from the allowance.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2615, H.D. 1, and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ihara, Riviere).

SCRep. 3403 Ways and Means on H.B. No. 2661

The purpose and intent of this measure is to appropriate funds for the expenses of the Legislature, Office of the Auditor, Legislative Reference Bureau, Office of the Ombudsman, and Hawaii State Ethics Commission.

Specifically, this measure appropriates:

- (1) \$10,322,455 to the Senate;
- (2) \$14,135,592 to the House of Representatives;
- (3) \$3,359,915 to the Office of the Auditor;
- (4) \$2,800,000 for deposit into the Audit Revolving Fund;
- (5) \$6,300,000 from the Audit Revolving Fund to the Office of the Auditor to conduct or complete its audit functions;
- (6) \$4,003,999 to the Legislative Reference Bureau including for equipment relating to computer systems programming and operations;
- (7) \$1,443,007 to the Office of the Ombudsman;
- (8) \$1,252,667 to the Hawaii State Ethics Commission; and
- (9) \$665,028 for accrued vacation payments and vacation transfer payments for employees leaving the employ of the Senate, House of Representatives, Office of the Auditor, Legislative Reference Bureau, Office of the Ombudsman, and Hawaii State Ethics Commission.

Your Committee received testimony in support of this measure from the Hawaii State Ethics Commission, Office of the Ombudsman, Legislative Reference Bureau, and Office of the Auditor.

Your Committee finds that this measure appropriates sufficient funds to defray the necessary expenses in fiscal year 2020-2021 of the Senate, House of Representatives, Office of the Auditor, Legislative Reference Bureau, Office of the Ombudsman, and the Hawaii State Ethics Commission.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2661, H.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (Harimoto, Kahele, Kanuha, Fevella).

SCRep. 3404 Judiciary on H.B. No. 2549

The purpose and intent of this measure is to:

- (1) Require the language and meaning of a constitutional amendment and a constitutional ratification question to be simple, concise, and direct;
- (2) Allow the presiding officers of the Legislature to request a written opinion of the Hawaii Supreme Court regarding the legality of a proposed amendment to the Hawaii State Constitution and the corresponding constitutional ratification question and require the court to provide a written opinion within forty-eight hours of receipt of the request; and
- (3) Require, for any written opinion by the court that invalidates a constitutional ratification question, a detailed and specific explanation of the reasons for this opinion and prohibit any appeal of the written opinion.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii. Your Committee received comments on this measure from the Judiciary and Common Cause Hawaii.

Your Committee finds that voters often struggle to understand the legal vocabulary used in the wording of ballot proposals. Clear statements of a proposed constitutional amendment and a constitutional ratification question are important to voters' ability to understand the proposed amendment and make an informed decision. This measure will facilitate voter understanding of proposed amendments to the state constitution by requiring constitutional amendments and constitutional ratification questions to be simple, concise, and direct. Furthermore, this measure will ensure that decision-makers offer appropriately phrased ballot questions by allowing the presiding officers of the Legislature to request a written opinion of the Supreme Court regarding the legality of a proposed amendment to the Hawaii State Constitution and the corresponding constitutional ratification question.

Your Committee has amended this measure by:

- (1) Requiring language and meaning of a constitutional amendment and a constitutional ratification question to be as simple, concise, and direct as possible considering the complexity of the subject matter;
- (2) Extending the time frame in which the Supreme Court must render and deliver a written opinion from within forty-eight hours to within fourteen days of receipt of a written request for a written opinion;
- (3) Deleting language that would have required any written opinion that invalidates the constitutional ratification question to include detailed and specific explanation of the reasons for invalidation; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2549, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2549, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3405 Judiciary on H.B. No. 2679

The purpose and intent of this measure is to require the Judiciary to conduct a study to determine how to most easily implement a system of income-based fines as a pilot project for an appropriate offense or offenses.

Your Committee received testimony in support of this measure from the Judiciary, Office of the Public Defender, Community Alliance on Prisons, Hawai'i Health & Harm Reduction Center, American Civil Liberties Union of Hawai'i, and one individual.

Your Committee finds that the final report of the Financial Hardship Task Force, authorized by Act 112, Session Laws of Hawaii 2019, found that the courts have existing authority to utilize several options to allow a motorist to satisfy their legal financial obligation if the motorist is experiencing financial hardship. Included among these options is the ability to convert traffic fines to community service, adjust down monetary assessments when requested by a motorist facing financial hardship, extend the period of time that a motorist has to pay the monetary assessment, and enroll motorists in the restricted license program, which allows a motorist to continue to drive while paying down outstanding traffic monetary assessments. Although the task force did not recommend that the Judiciary conduct a study to determine how to most easily implement a system of income-based fines, your Committee believes that a meaningful examination should occur to ensure that economic status does not result in unequal treatment under the law.

Your Committee has amended this measure by requiring the Judiciary to submit its report to the Legislature forty days prior to the convening of the Regular Session of 2022.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2679, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2679, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3406 Human Services on H.B. No. 2061

The purpose and intent of this measure is to require the Department of the Attorney General to convene a study group to:

- (1) Examine the impact, cost, and any impediments to implementing a program to pass through child support payments to Temporary Assistance for Needy Families (TANF) recipients; and
- (2) Submit a report to the Legislature prior to the 2021 Regular Session.

Your Committee received testimony in support of this measure from the Department of Human Services, Hawaii Appleseed Center for Law and Economic Justice, American Association of University Women of Hawaii, and two individuals. Your Committee received comments on this measure from the Department of the Attorney General and the Domestic Violence Action Center.

Your Committee finds that the Department of Human Services is reimbursed from child support payments collected by the Child Support Enforcement Agency (CSEA) from noncustodial parents of dependent children receiving TANF benefits from the Department. Part of the child support payments go to reimburse the Department for the TANF benefits paid and another portion is used as reimbursement to the federal government for funding the TANF program.

Your Committee further finds that a program to pass through portions of the child support payments to the needy family instead of using the monies to reimburse the TANF program would require computer system modifications for both the Department and CSEA. Additionally, the Department is unsure of the long-term fiscal impact of this proposed program.

Accordingly, your Committee has amended this measure by:

- (1) Including the Department of Human Services in the convening of the study group and submission of the report for the pass through program; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2061, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2061, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Ihara, Riviere).

SCRep. 3407 Transportation on H.B. No. 1651

The purpose and intent of this measure is to improve the quality of vehicle inspectors throughout the State by codifying certain certification, renewal, and violation processes of vehicle inspectors who conduct vehicle safety inspections for the Department of Transportation.

Your Committee received testimony in opposition to this measure from the Department of Transportation.

Your Committee finds that vehicle safety inspections are critical mechanisms to ensure the safety of Hawaii drivers. Your Committee further finds that levying fines on inspectors who are not properly conducting inspections is unnecessarily punitive and that an inspector's certification should last for four rather than two years, provided that the inspector takes both a written and practical exam upon recertification. Finally, your Committee finds that S.B. No. 213, which repeals the provision allowing for the special inspection and certification of reconstructed vehicles is appropriately included in this measure. Therefore, your Committee has amended this measure by:

- (1) Removing the provision that levies fines on inspectors who are not properly conducting inspections;
- (2) Extending the time period an inspector certificate lasts from two years to four years;
- (3) Requiring the written and practical exam upon inspector recertification;
- (4) Adding the contents of S.B. No. 213 into this measure;
- (5) Making the effective date to be upon approval; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1651, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1651, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3408 Transportation on H.B. No. 1973

The purpose and intent of this measure is to:

- (1) Repeal or reclassify certain non-general funds and accounts of the Department of Transportation pursuant to the recommendations and commentary of the Office of the Auditor, in Report No. 19-05 and the accompanying summary; and
- (2) Transfer the unencumbered balances to the general fund.

Your Committee received testimony in support of this measure from the Department of Transportation. Your Committee received testimony in opposition to this measure from the Hawaii Bicycling League. Your Committee received comments on this measure from the Department of Planning, County of Kauai; Tax Foundation of Hawaii; PATH – People's Advocacy for Trails Hawai'i; Get Fit Kaua'i; and Hawai'i Public Health Institute.

Your Committee finds that the Auditor's Report No. 19-05 recommended that certain non-general funds be reclassified or repealed to achieve greater fiscal accountability in the Department of Transportation. Your Committee heard testimony from multiple

organizations who were concerned that the amendments to the Safe Routes to School Special Fund would disrupt the administration of a currently well-administered program.

Accordingly, your Committee has amended this measure by:

- (1) Deleting Part V of the measure, which changes the administrator of the Safe Routes to School Special Fund from the Department of Transportation to the Legislature;
- (2) Inserting an effective date of July 1, 2020; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1973, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1973, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3409 Transportation on H.B. No. 2152

The purpose and intent of this measure is to require additional circumstances under which every motor vehicle, including motorcycles, motor scooters, and motorized bicycles, moving on any public highway in Hawaii must display its lighted head lamps.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that currently, vehicles are required to use lighted head lamps from thirty minutes after sunset until thirty minutes before sunrise. However, weather conditions such as heavy rain can result in poor visibility for drivers, especially during daytime hours when streetlights are not always on. The use of a vehicle's headlights renders the vehicle more visible to others and increases the driver's ability to identify pedestrians as well as hazards around the vehicle. This measure improves traffic safety by requiring the use of lighted head lamps on motor vehicles in situations where visibility is limited. Your Committee further finds that electric foot scooters should also be included among the vehicles regulated by this measure.

Your Committee has amended this measure by:

- (1) Including electric foot scooters;
- (2) Making it effective upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2152, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2152, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3410 Commerce, Consumer Protection, and Health on H.B. No. 35

The purpose and intent of this measure is to authorize expenditures from the Mental Health and Substance Abuse Special Fund to be used for capital improvement projects.

Your Committee received testimony in support of this measure from the Governor's Coordinator on Homelessness; Department of Health; Hawaii Psychological Association; Hawaii Disability Rights Center; Hawaii Substance Abuse Coalition; Kona-Kohala Chamber of Commerce; Hawaii Kai Homeless Task Force; Catholic Charities Hawai'i; Hawai'i Health & Harm Reduction Center; Partners in Care; Manini Holdings; Habitat for Humanity Hawaii Island, Inc.; Hawaii Island HIV/AIDS Foundation; Kohala Coast Resort Association; The Queen's Health Systems; Hope Services Hawaii; and seven individuals.

Your Committee finds that subacute residential stabilization services, otherwise known as crisis stabilization beds, and transitional placement will bridge the gap for individuals in crisis for whom acute inpatient hospitalization is unnecessary and provide the needed environments where individuals with severe and persistent mental illness are able to live semi-independently with access to higher levels of care when they start to decompensate. However, Hawaii's treatment resources do not currently include crisis stabilization beds or supported transition units. Therefore, it is necessary to find ways to identify underutilized state facilities and existing resources to expand program operations for crisis stabilization beds and transitional placement units.

Your Committee notes that the Department of Health provided testimony that highlights that utilizing the Mental Health and Substance Abuse Special Fund to support new capital improvement projects, including sub-acute stabilization services, and sustain existing program operations will enhance the State's current care continuum. Additionally, the Department of Health's testimony expressed concerns requesting that any additional appropriations made through this measure do not supplant budget priorities identified by the Governor's executive budget. Your Committee also notes its support for the conversion of the old Kona courthouse in Kealahou next to the Kona Community Hospital into a treatment facility for drug addiction, mental illness, and stabilization services for the homeless population and those in need.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 35, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 3411 Commerce, Consumer Protection, and Health on H.B. No. 2047

The purpose and intent of this measure is to:

- (1) Establish a task force within the Department of Health to identify therapies and home- and community-based care services that may benefit persons having fetal alcohol spectrum disorders, including therapies and treatments that may benefit them as adults; and
- (2) Require the task force to submit a report on its findings and recommendations to the Legislature.

Your Committee received testimony in support of this measure from the State Council on Developmental Disabilities, Hawaii Disability Rights Center, Hawaii Substance Abuse Coalition, Hawaii Psychological Association, and eleven individuals. Your Committee received comments on this measure from the Department of Human Services, Department of Health, and City and County of Honolulu Liquor Commission.

Your Committee finds that many persons who have been diagnosed with fetal alcohol spectrum disorder face profound challenges in navigating the State's present system of care. Many individuals with diagnoses on the spectrum cope with lifelong physical, cognitive, or behavioral disabilities but age out of eligibility for care services once they become adults. This measure helps in the identification of therapies and home- and community-based care services that may benefit persons having fetal alcohol spectrum disorders, including therapies and treatments that may benefit them as adults.

Additionally, your Committee recommends that the task force examine the past sixteen years of legislation relating to fetal alcohol spectrum disorder to provide context for recommendations by the task force in the future.

Your Committee has amended this measure by:

- (1) Clarifying the required parameters of the study conducted by the task force;
- (2) Inserting provisions relating to permitted interaction of members of the task force; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2047, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2047, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 3412 Commerce, Consumer Protection, and Health on H.B. No. 1975

The purpose and intent of this measure is to require:

- (1) Any county of the State with a population greater than five hundred thousand to provide emergency medical services in a transparent and fiscally responsible manner; and
- (2) Any affected county to conduct an evaluation regarding the finances and operations of the county's emergency medical services system and submit a report to the Legislature and Department of Health.

Your Committee received comments on this measure from the Department of Health and Honolulu Emergency Services Department of the City and County of Honolulu.

Your Committee finds that emergency medical services are essential to the public health of Hawaii's visitors and residents. Bringing accountability to the operations of the counties' emergency medical services systems by requiring transparency and fiscal responsibility will ensure taxpayers' funds are spent appropriately. If the cost analysis proposed by this measure is expanded to all four counties, it could further assist in identifying and understanding emergency medical services funding requirements and realities across the State.

Your Committee has amended this measure by:

- (1) Requiring that a county in the State with a population greater than five hundred thousand adopts the recommendations of the National Highway Transportation Safety Administration and submits a report to the Legislature on steps taken to improve efficiency and revenue recovery for emergency medical services;
- (2) Expanding the requirement to conduct an evaluation of the finances and operations of the county's emergency medical services system to all counties in the State; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1975, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1975, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 3413 Commerce, Consumer Protection, and Health on H.B. No. 2692

The purpose and intent of this measure is to increase the number of hours a primary caregiver may be absent from a community care foster family home when a substitute caregiver is present.

Your Committee received testimony in support of this measure from the Big Island Adult Foster Home Operators, Hawaii Caregivers Coalition, Adult Foster Homecare Association of Hawaii, Big Island Adult Foster Home Association, and eleven individuals. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that many operators of community care foster family homes struggle to keep up with operational needs. Often, they are unable to leave their homes to procure supplies, continue their education, and address incidental matters relating to their operation because of existing requirements. Allowing primary caregivers more flexibility to run their operations, while ensuring that substitute caregivers, who are held to the same standards and receive the same training as primary caregivers, are present, will help primary caregivers better serve their clients in these community settings.

Your Committee has amended this measure by broadening the requirements established by administrative rules for primary and substitute caregivers caring for three clients in community care foster family homes to allow for primary caregivers to be absent from the community care foster family home if a substitute caregiver is present.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2692, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2692, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 3414 Commerce, Consumer Protection, and Health on H.B. No. 2236

The purpose and intent of this measure is to:

- (1) Require and appropriate funds for the Department of Health to work with the National Registry of Emergency Medical Technicians, or other qualified entity, to conduct a comprehensive study of the state emergency medical system workforce;
- (2) Require and appropriate funds for the Department of Health to conduct a comprehensive cost analysis of the state emergency medical system;
- (3) Require the Auditor to conduct a comprehensive management audit of the Emergency Medical Services Department of the City and County of Honolulu; and
- (4) Appropriate funds for collective bargaining increases and other current expenses.

Your Committee received testimony in support of this measure from the Department of Health; United Public Workers, AFSCME Local 646, AFL-CIO; and American Medical Response. Your Committee received comments on this measure from the Office of the Auditor and Honolulu Emergency Services Department of the City and County of Honolulu.

Your Committee finds that the Department of Health is responsible for administering and maintaining the comprehensive state emergency medical service system, or state emergency medical system. Administration of the system by a state agency ensures that all emergency services, including ground and air ambulance services conducted by or under the authorization of the Department of Health or any county, are following existing law. Therefore, to fulfill the duties of the emergency medical services system, it is imperative that the state emergency medical system effectively provides emergency services.

Your Committee notes that H.B. No. 1975, H.D. 1, S.D. 1, (Regular Session of 2020), is a similar measure that, among other things, evaluates the finances and operations of emergency medical services systems in the State for the purposes of transparency and fiscal responsibility.

Accordingly, your Committee has amended this measure by:

- (1) Deleting part I of the measure, which:
 - (A) Requires and appropriates funds for the Department of Health to work with the National Registry of Emergency Medical Technicians, or other qualified entity, to conduct a comprehensive study of the state emergency medical system workforce;
 - (B) Requires and appropriates funds for the Department of Health to conduct a comprehensive cost analysis of the state emergency medical system; and
 - (C) Requires the Auditor to conduct a comprehensive management audit of the Emergency Medical Services Department of the City and County of Honolulu; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2236, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2236, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 3415 Transportation on H.B. No. 2598

The purpose and intent of this measure is to alleviate the problem of abandoned vehicle on State highways by establishing and appropriating funds for an Abandoned and Derelict Vehicles Task Force within the Department of Transportation to make recommendations to ensure the proper identification and disposal of abandoned and derelict vehicles left on the State's highways.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that abandoned and derelict vehicles left on roadways are a long-standing, statewide problem. This measure seeks to bring certain government stakeholders together to come up with practical solutions to this problem and to report these solutions to the Legislature. Your Committee, after having discussions with the Department of Transportation, notes that an appropriation in the amount of \$20,000 would be sufficient for the administration of this measure.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2598, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3416 Transportation on H.B. No. 2722

The purpose and intent of this measure is to:

- (1) Authorize each county to adopt ordinances to enforce laws requiring electric vehicle parking stalls and charging systems in certain places of public accommodation, including:
 - (A) Making reasonable efforts to maintain electric vehicle charging stations in working order; and
 - (B) Establishing penalties for failure to comply with the law; and
- (2) Clarify that certain enforcement officers may enter private property to enforce electric vehicle parking space violations.

Your Committee received testimony in support of this measure from the Hawaii State Energy Office, Ulupono Initiative, Hawaii Electric Vehicle Association, and twenty-three individuals. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii.

Your Committee finds that the availability of charging infrastructure to support electric vehicles is critical to increasing the number of electric vehicles in the State. Your Committee further finds that the counties should also be able to regulate electric vehicle parking spaces and related charging systems. Your Committee notes the testimony of the Retail Merchants of Hawaii which raised valid concerns about the enforcement of this measure, and requests that these concerns be considered by the Judiciary Committee.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2722, H.D. 1, and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3417 Judiciary on H.B. No. 2738

The purpose and intent of this measure is to:

- (1) Prohibit foreign nationals and foreign corporations from making independent expenditures;
- (2) Require every corporation that contributes or expends funds in a state election to file a statement of certification regarding its limited foreign influence; and
- (3) Require noncandidate committees making only independent expenditures to obtain a statement of certification from each top contributor required to be listed in an advertisement.

Your Committee received testimony in support of this measure from Common Cause Hawaii, Pono Hawai'i Initiative, Americans for Democratic Action, League of Women Voters of Hawaii, and seven individuals. Your Committee received comments on this measure from the Office of Elections and Campaign Spending Commission.

Your Committee finds that the State has a compelling interest in securing its democratic self-governance from foreign influence. This measure protects the State's democratic self-governance by prohibiting foreign nationals and foreign corporations from making independent expenditures; requiring every corporation that contributes or expends funds in a state election to file a statement of certification regarding its status as a foreign corporation; and requiring noncandidate committees making only independent expenditures to obtain a statement of certification from each top contributor required to be listed in an advertisement.

Your Committee has amended this measure by:

- (1) Deleting language that would have provided exceptions for foreign nationals and foreign corporations to make independent expenditures;
- (2) Requiring every corporation that contributes or expends funds in a state election to file a statement of certification regarding its limited foreign influence with the Campaign Spending Commission, rather than the Office of Elections; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2738, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2738, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3418 Labor, Culture and the Arts on Gov. Msg. No. 508

Recommending that the Senate advise and consent to the nomination of the following:

DEPUTY DIRECTOR OF THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

G.M. No. 508 ANNE E. PERREIRA-EUSTAQUIO, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Anne E. Perreira-Eustaquio for service as the Deputy Director of Labor and Industrial Relations.

Your Committee received testimony in support of the nomination for the appointment of Ms. Eustaquio from the Governor; Department of Accounting and General Services; Department of Budget and Finance; Department of Business, Economic Development and Tourism; Department of Commerce and Consumer Affairs; Department of Health; Department of Human Resources Development; Department of Labor and Industrial Relations; Department of Land and Natural Resources; Department of Public Safety; Department of Taxation; Department of Transportation; Office of Enterprise Technology Services; Hawaii State Energy Office; Labor and Industrial Relations Appeals Board; Office of Community Services; Workforce Development Council; Department of Labor and Industrial Relations Workforce Development Division; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Gesik Physical Therapy, LLC; LIST Sotheby's International Realty; Hawaii Regional Council of Carpenters; Pacific Resource Partnership; and thirty-eight individuals.

Your Committee finds that Ms. Eustaquio is currently the Acting Deputy Director of Labor and Industrial Relations. Most recently, she served as the Department's Unemployment Insurance Administrator, and previously as the Unemployment Insurance Program Development Officer. Ms. Eustaquio has served in a variety of positions in the Department including Program Specialist V & VI and Auditor II, III, and IV. She holds a Bachelor of Business Administration degree in Accounting and a Master's degree in Business Administration from Chaminade University of Honolulu.

Your Committee believes that Ms. Eustaquio, with over 30 years of experience and a proven track record of team leadership in workforce development, unemployment insurance programs, business administration, program development, and operational procedures, possesses the qualifications to serve as the Deputy Director of Labor and Industrial Relations. More particularly, her coordination of labor-management relations, interest in the welfare of the public at large, management of the safety net federal-state program, and negotiation skills will continue to serve her well.

Your Committee also notes that testifiers remarked on Ms. Eustaquio's thorough institutional knowledge of the Department, attributed to her tenured advancement from auditor to program administrator that serves as a testament to her expertise, dedication, collegiality, and aptitude for leadership. It was stated that she was an integral part in modernizing the Department by leading the intellectual technology steering committee projects and increasing employee engagement with the development of the Alternative Working Schedule. Ms. Eustaquio pairs her knowledge of the Department's policies and role in State government seamlessly with her willingness to learn. She is a highly respected individual in her field and among contemporaries with integrity and a strong work ethic. Her passion for service leadership is evident in all her ambitions that are extended to her family and her community. Finally, Ms. Eustaquio is an individual of unwavering and outstanding character. She is thoughtful, empathetic, consistent, gracious and humble.

Your Committee finds that Ms. Eustaquio's extensive experience, management, and leadership skills will continue to serve as a sturdy base to transform the culture of government by embracing and accelerating change in support of the mission of the Department as the Deputy Director of Labor and Industrial Relations.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3419 (Majority) Judiciary on H.B. No. 2069

The purpose and intent of this measure is to:

- (1) Prohibit civil asset forfeiture unless the covered offense is a felony for which the property owner has been convicted, excluding the forfeiture proceedings for an animal pending criminal charges; and
- (2) Require the Attorney General to deposit the net proceeds of the forfeited property to the credit of the state general fund.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Hawai'i Health & Harm Reduction Center, The Drug Policy Forum of Hawai'i, Common Cause Hawaii, Americans for Democratic Action, Community Alliance on Prisons, American Civil Liberties Union of Hawai'i, and nine individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Department of Land and Natural Resources, Honolulu Police Department, Maui Police Department, Office of the Prosecuting Attorney of the County of Hawai'i, Department of the Prosecuting Attorney of the City and County of Honolulu, and two individuals. Your Committee received comments on this measure from the Office of Hawaiian Affairs, Department of the Prosecuting Attorney of the County of Maui, and Grassroot Institute of Hawaii.

Your Committee finds that asset forfeiture can be an effective tool for law enforcement to disrupt criminal activity and protect the community. However, your Committee further finds that allowing asset forfeiture to proceed before conviction is contrary to the presumption of innocence in criminal cases and has the potential to unjustly violate the property rights of some persons.

Your Committee additionally finds that H.B. No. 748, H.D. 2, S.D. 2 (Regular Session of 2019), which was previously passed by the Legislature and vetoed by the Governor, is a substantially similar measure that also would have prohibited civil asset forfeiture unless the covered offense is a felony for which the property owner has been convicted, excluding the forfeiture proceedings for an animal pending criminal charges.

Your Committee notes that S.B. No. 1467, S.D. 1 (Regular Session of 2019), which was previously passed by your Committee, also relates to civil asset forfeiture. Your Committee finds that the language in S.B. No. 1467 S.D. 1, is preferable because it recognizes that there are certain misdemeanors for which asset forfeiture can be a useful tool to combat criminal activity and therefore the list of covered offenses eligible for asset forfeiture includes felony and misdemeanor offenses. The language in S.B. No. 1467, S.D. 1, is also preferable because it heightens the standard of proof for asset forfeiture from preponderance of the evidence to beyond a reasonable doubt, establishes procedures for seizure and storage of property, repeals administrative forfeiture, and directs all proceeds, after expenses, to be deposited into the general fund and used for public education purposes. Your Committee additionally finds that the prohibition of forfeiture until after conviction should not be construed to limit the ability of law enforcement to seize property prior to conviction as provided by law.

Accordingly, your Committee has amended this measure by inserting language based substantially on S.B. No. 1467, S.D. 1, which achieves the following:

- (1) Restrict asset forfeiture to cases involving the commission of a covered criminal misdemeanor or felony offense;
- (2) Require seized property to be forfeited only when the property owner has been convicted of an underlying covered criminal misdemeanor or felony offense;
- (3) Allow property to be seized prior to conviction as provided by law;
- (4) Change the standard of proof that the State must meet in order for property to be forfeited from “preponderance of the evidence” to “beyond a reasonable doubt”;
- (5) Exclude proceedings for the forfeiture of an animal pending criminal charges;
- (6) Require the State to prove that owners consented to or possessed knowledge of the crime that led to the seizure of their property;
- (7) Restrict in rem forfeiture proceedings to certain circumstances including where the owner has fled and is deemed to have been convicted of a covered offense;
- (8) Require that the agency seizing the property pay for safe and secure storage of the seized property until the completion of the forfeiture proceeding or final disposition of the property;
- (9) Direct any proceeds from a civil forfeiture to the general revenue fund for public education purposes;
- (10) Repeal administrative forfeiture proceedings, so that any forfeiture proceedings must be brought in court; and
- (11) Insert an effective date of December 31, 2020.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2069, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2069, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, 1 (Kim). Excused, 1 (Fevella).

SCRep. 3420 Judiciary on H.B. No. 2294

The purpose and intent of this measure is to update the laws regarding notaries public to conform to the Revised Uniform Law on Notarial Acts (2018), the Hawaii Uniform Electronic Transactions Act, other state notary laws, and current notary practices.

Your Committee received testimony in support of this measure from the Department of the Attorney General, State of Hawai‘i Commission to Promote Uniform Legislation, Uniform Law Commission, Hawaii Bankers Association, Hawaii Land Title Association, and First American Title. Your Committee received testimony in opposition to this measure from Honest Hawaii Notaries.

Your Committee finds that because of technological advancements, tens of thousands of remote online notarizations are already happening each year. Twenty-two other states have adopted model legislation to support remote online notarization. Hawaii residents currently use remote online notarization based in other states instead of using the services provided by Hawaii notaries. This measure would safeguard Hawaii residents by extending the protections of existing law to this rapidly expanding type of notarial practice.

Your Committee notes that this measure tracks with the wording of the Revised Uniform Law on Notarial Acts (RULONA) drafted by the National Conference of Commissioners on Uniform State Laws regarding notarial acts performed by remotely located individuals, the Hawaii Uniform Electronic Transactions Act, other state notary laws, or current notary practices. In line with the provisions of RULONA, this measure provides that the requirement of an appearance before a notary public may be satisfied by an individual appearing before a notary public by means of communication technology.

Your Committee has amended this measure by:

- (1) Clarifying that remote online notarial acts are allowed when the remotely located individual is located outside the United States and the document involves a transaction with a bank whose deposits are insured by the Federal Deposit Insurance Corporation, including banks located in the Federated States of Micronesia, Republic of the Marshall Islands, and Republic of Palau; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2294, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2294, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3421 (Joint) Labor, Culture and the Arts and Ways and Means on H.B. No. 2302

The purpose and intent of this measure is to make an emergency appropriation for immediate passage in accordance with article VII, section 9 of the Hawaii State Constitution for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (2) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committees received testimony in support of this measure from the Department of Budget and Finance; University of Hawai'i System; and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committees find that the collective bargaining cost items and salary adjustments in the agreement negotiated with the State and the exclusive representative for collective bargaining unit (2) and their excluded counterparts was ratified on October 24, 2019.

Accordingly, your Committees have amended this measure by:

- (1) Amending the effective date to be upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2302, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2302, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.
Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).
Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Fevella).

SCRep. 3422 (Joint) Labor, Culture and the Arts and Ways and Means on H.B. No. 2303

The purpose and intent of this measure is to make an emergency appropriation for immediate passage in accordance with article VII, section 9, of the Hawaii State Constitution for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (3) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committees received testimony in support of this measure from the Department of Budget and Finance; University of Hawai'i System; and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committees find that the collective bargaining cost items and salary adjustments in the agreement negotiated between the State and the exclusive representative for collective bargaining unit (3) and their excluded counterparts was ratified on January 8, 2020.

Accordingly, your Committees have amended this measure by:

- (1) Changing the effective date to upon its approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2303, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2303, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.
Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).
Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Fevella).

SCRep. 3423 (Joint) Labor, Culture and the Arts and Ways and Means on H.B. No. 2305

The purpose and intent of this measure is to make an emergency appropriation for immediate passage in accordance with section 9 of article VII of the Constitution of the State of Hawaii for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (7) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committees received testimony in support of this measure from the Department of Budget and Finance, University of Hawai'i System, and University of Hawaii Professional Assembly.

Your Committees find that settlement agreements between the exclusive representatives of the collective bargaining unit (7) and their excluded counterparts are still in negotiation. Accordingly, your Committees note that the amount of funds appropriated or authorized have not been specified.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2305, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2305, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Fevella).

SCRep. 3424 (Joint) Labor, Culture and the Arts and Ways and Means on H.B. No. 2306

The purpose and intent of this measure is to make an emergency appropriation for immediate passage in accordance with article VII, section 9, of the Hawaii State Constitution for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (8) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committees received testimony in support of this measure from the Department of Budget and Finance; University of Hawai'i System; and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committees find that the collective bargaining cost items and salary adjustments in the agreement negotiated between the State and the exclusive representative for collective bargaining unit (8) and their excluded counterparts was ratified on October 24, 2019.

Accordingly, your Committees have amended this measure by:

- (1) Changing the effective date to upon its approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2306, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2306, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Fevella).

SCRep. 3425 (Joint) Labor, Culture and the Arts and Ways and Means on H.B. No. 2307

The purpose and intent of this measure is to make an emergency appropriation for immediate passage in accordance with article VII, section 9, of the Hawaii State Constitution for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (9) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committees received testimony in support of this measure from the Department of Budget and Finance; University of Hawai'i System; and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committees find that the collective bargaining cost items and salary adjustments in the agreement negotiated between the State and the exclusive representative for collective bargaining unit (9) and their excluded counterparts was ratified on September 16, 2019.

Accordingly, your Committees have amended this measure by:

- (1) Changing the effective date to upon its approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2307, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2307, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Fevella).

SCRep. 3426 (Joint) Labor, Culture and the Arts and Ways and Means on H.B. No. 2308

The purpose and intent of this measure is to make an emergency appropriation for immediate passage in accordance with article VII, section 9, of the Hawaii State Constitution for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (13) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committees received testimony in support of this measure from the Department of Budget and Finance; University of Hawai'i System; and Hawaii Government Employees Association, AFSCME Local 152.

Your Committees find that the collective bargaining cost items and salary adjustments in the agreement negotiated between the State and the exclusive representative for collective bargaining unit (13) and their excluded counterparts was ratified on October 11, 2019.

Accordingly, your Committees have amended this measure by:

- (1) Changing the effective date to upon its approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2308, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2308, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Fevella).

SCRep. 3427 (Joint) Labor, Culture and the Arts and Ways and Means on H.B. No. 2309

The purpose and intent of this measure is to make an emergency appropriation for immediate passage in accordance with article VII, section 9, of the Hawaii State Constitution for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (14) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committees received testimony in support of this measure from the Department of Budget and Finance and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committees find that the collective bargaining cost items and salary adjustments in the agreement negotiated between the State and the exclusive representative for collective bargaining unit (14) and their excluded counterparts recently concluded arbitration proceedings, yet a final and binding decision has not been received from the arbitration panel. Your Committees note that the amount of funds appropriated or authorized have not been specified.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2309, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2309, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Fevella).

SCRep. 3428 Education on S.C.R. No. 7

The purpose and intent of this measure is to request the Department of Education to submit a report of the Legislature on the implementation of the amended chapters 19 and 89 of Title 8, Hawaii Administrative Rules.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii Youth Services Network, Hawaii Women's Coalition, and a private individual.

Your Committee finds that Hawaii reports a low rate of school violence in every area except bullying. The number of youth in Hawaii who are afraid to go to school or have missed school due to bullying is substantially much higher than the national average. Your Committee further finds that this measure will help reduce bullying and cyberbullying by fostering a positive school climate and facilitating the effective implementation of an evidence-based social and emotional learning program.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 7 and recommends that it be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 3429 Education on S.R. No. 8

The purpose and intent of this measure is to request the Department of Education to submit a report of the Legislature on the implementation of the amended chapters 19 and 89 of Title 8, Hawaii Administrative Rules.

Your Committee received testimony in support of this measure from the Hawaii Youth Services Network, Hawaii Women's Coalition, and American Association of University Women.

Your Committee finds that Hawaii reports a low rate of school violence in every area except bullying. The number of youth in Hawaii who are afraid to go to school or have missed school due to bullying is substantially much higher than the national average. Your Committee further finds that this measure will help reduce bullying and cyberbullying by fostering a positive school climate and facilitating the effective implementation of an evidence-based social and emotional learning program.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 8 and recommends that it be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 3430 (Joint) Government Operations and Agriculture and Environment on S.C.R. No. 38

The purpose and intent of this measure is to request the Lieutenant Governor's office to establish a multi-stakeholder task force to advance the state procurement of locally produced food.

Your Committees received testimony in support of this measure from the Department of Agriculture; Department of Education; Hawai'i Farm Bureau; Maui Farmers Union United; Hawaii Farmers Union United – Haleakala Chapter; Kahumana Organic Farms; A'a Li'i Farm; Ka Ohana O Na Pua; Slow Money Hawaii; Farm Link Hawai'i; EcoTipping Points Project; The Jones Family Farm Waianae; Hawaii Cattlemen's Council, Inc.; Ulupono Initiative; and seventeen individuals.

Your Committees find that the task force requested by this measure could provide necessary coordination to facilitate a farmer's ability to scale-up production by providing a pathway to the larger state government purchasers of locally produced food and creating a reliable market for the purchase of these goods. According to testimony received by your Committees, this effort will continue to help local farmers, ranchers, and distributors while increasing the health of our economy, our residents, and the overall well-being of the State.

Your Committees have amended this measure by:

- (1) Including references to small-scale farms; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note that the language of this concurrent resolution gives broad discretion regarding the composition of the task force, and that consultations with groups that advocate for family and small-scale farms, like the Hawaii Farm Bureau and Hawaii Farmers Union United, are appropriate.

As affirmed by the records of votes of the members of your Committees on Government Operations and Agriculture and Environment that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 38, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 38, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Kanuha).

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

SCRep. 3431 (Joint) Agriculture and Environment and Government Operations on S.C.R. No. 17

The purpose and intent of this measure is to urge the State to:

- (1) Ban single-use plastic goods and plastic bags; and
- (2) Set a sustainability example by eliminating the use of single-use plastic tableware at State Department meetings and functions.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; a member of the Hawai'i County Council; City and County of Honolulu Office of Climate Change, Sustainability, and Resiliency; Animal Rights Hawai'i; Hawaii Youth Services Network; Fair Wind Cruises; EcoTipping Points Project; and three individuals. Your Committees received testimony in opposition to this measure from the American Chemistry Council and one individual. Your Committees received comments on this measure from the Chamber of Commerce Hawaii.

Your Committees find that single-use plastics are detrimental to the State's environment and economy and to the health and well-being of both humans and animals.

Your Committees have amended this measure by removing specific references to Bill 40 (now Ordinance 19-30), which was enacted as an ordinance in December 2019.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Government Operations that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 17, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 17, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Kanuha).

SCRep. 3432 (Joint) Agriculture and Environment and Government Operations on S.R. No. 18

The purpose and intent of this measure is to urge the State to:

- (1) Ban single-use plastic goods and plastic bags; and
- (2) Set a sustainability example by eliminating the use of single-use plastic tableware at State Department meetings and functions.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Youth Services Network, Maui Chapter of the Surfrider Foundation, and five individuals. Your Committees received testimony in opposition to this measure from the American Chemistry Council. Your Committees received comments on this measure from the Hawaii Food Industry Association.

Your Committees find that single-use plastics are detrimental to the State's environment and economy and to the health and well-being of both humans and animals.

Your Committees have amended this measure by removing specific references to Bill 40 (now Ordinance 19-30), which was enacted as an ordinance in December 2019.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Government Operations that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 18, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 18, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Gabbard).

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Kanuha).

SCRep. 3433 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. No. 504

Recommending that the Senate advise and consent to the nomination of the following:

ADJUTANT GENERAL OF THE DEPARTMENT OF DEFENSE

G.M. No. 504 KENNETH S. HARA, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Kenneth S. Hara for service as the Adjutant General.

Your Committee received testimony in support of the nomination for the appointment of Brigadier General Kenneth S. Hara from the Office of the Governor; Department of Land and Natural Resources; Department of Health; Department of Accounting and General Services; Department of Transportation; Department of Labor and Industrial Relations; Department of Budget and Finance; Department of Human Resources Development; Department of Taxation; Department of Accounting and General Services; Department of Hawaiian Home Lands; Department of Public Safety; Department of Commerce and Consumer Affairs; Department of Business, Economic Development, and Tourism; Department of Agriculture; Office of Enterprise Technology Services; Hawaii Emergency Management Agency; Hawaii State Energy Office; Hawaiian Electric, Inc.; Hawaii High Intensity Drug Trafficking Areas; Hawaiian Electric Industries; Chamber of Commerce Hawaii; and seventeen individuals.

Brigadier General Hara has earned a Master of Strategic Studies from the United States Army War College and a Bachelor of Arts degree in Human Services from Hawaii Pacific University. In addition to his Master's degree, Brigadier General Hara's military education includes a Command and General Staff Officer Course from the Command and General Staff College in Kansas, Combined Arms Service Staff School in Kansas, Combined Logistics Officer Advanced Course in Virginia, Initial Entry Rotary Wing Course in Alabama, and Infantry Officer Basic Course in Georgia.

Brigadier General Hara began his extensive military career in 1987 when he received his commission as a Second Lieutenant of Infantry through the Hawaii Military Academy, Officer Candidate School, and Hawaii Army National Guard. He served in multiple capacities in the military, serving early on as a platoon leader and progressing through the ranks to the Commanding General of the Hawaii National Guard. Some of his other leadership roles include serving as the Deputy Chief of Staff of the Army National Guard in South Korea and Commander or Deputy Commander for various deployments to Afghanistan, Iraq, and Kuwait.

Brigadier General Hara has proven leadership in times of an emergency in Hawaii having served as the Assistant Operations Officer with the 2nd Battalion, 299th Infantry, following Hurricane Iniki, which devastated the island of Kaua'i in 1992, as the Task Force KOA commander that conducted National Guard Domestic Operations following an earthquake that struck Hawaii island in 2006; and as the Dual Status Commander of Joint Task Force — 50 in support of the responses to the Kilauea volcanic eruptions and Hurricane Lane in 2018.

Most recently, Brigadier General Hara has served as the Deputy Adjutant General since January 2018 and Commander of the Hawaii Army National Guard since February 2018. Brigadier General Hara's numerous awards and decorations include the Combat Infantryman Badge, Army Aviator Badge, Legion of Merit, Bronze Star Medal with Oak Leaf Cluster, Meritorious Service Medal with three Oak Leaf Clusters, Army Commendation Medal with Silver Oak Leaf Cluster, and Army Achievement Medal with two Oak Leaf Clusters.

After hearing from Brigadier General Hara and considering his resume and statement, your Committee finds that Brigadier General Hara's demonstrated high-level of understanding of the State's emergency management and homeland security needs, his extensive and decorated military service and leadership experience, and dedication to public service make him exceptionally qualified to serve as the Adjutant General.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Nishihara).

SCRep. 3434 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. No. 505

Recommending that the Senate advise and consent to the nomination of the following:

DEPUTY ADJUTANT GENERAL OF THE DEPARTMENT OF DEFENSE

G.M. No. 505 STEPHEN F. LOGAN, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Stephen F. Logan for service as the Deputy Adjutant General.

Your Committee received testimony in support of the nomination for the appointment of Colonel Logan from the Office of the Governor; Department of Land and Natural Resources; Department of Accounting and General Services; Department of Labor and

Industrial Relations; Department of Health; Department of Transportation; Department of Budget and Finance; Department of Human Resources Development; Department of Commerce and Consumer Affairs; Department of Taxation; Department of Hawaiian Home Lands; Department of Public Safety; Department of Business, Economic Development, and Tourism; Department of Agriculture; Office of Enterprise Technology Services; Hawaii Emergency Management Agency; Hawaii State Energy Office; Chamber of Commerce Hawaii; Hawaii High Intensity Drug Trafficking Areas; Healthcare Coding Consultants of Hawaii; and thirteen individuals.

Upon review of the testimony, your Committee finds that Colonel Logan's background, experience, and commitment to public service qualify him for appointment as the Deputy Adjutant General. Colonel Logan received his Master of Arts in Strategic Studies from the United States Army War college and a Bachelor of Arts in General Studies from Chaminade University. Colonel Logan has over thirty-five years of experience in the military and has served on several state missions addressing Hawaii emergencies, including his role as Deputy Commander of Joint Task Force 50, in support of the Kilauea volcanic eruption and Hurricane Lane response in 2018. Colonel Logan additionally served a deployment to Afghanistan, where he worked closely with the Afghan National Police and Security Forces.

Colonel Logan is also a twenty-two-year veteran of the Honolulu Police Department and has held several leadership positions throughout his military career, which include Chief of Staff of the Hawaii Army National Guard and Deputy Property and Fiscal Officer for Hawaii Commander, 29th Infantry Brigade Combat Team, and Army Aviation Division Chief of the Hawaii Army National Guard. During his extensive time in the military, Colonel Logan has accumulated numerous awards and decorations, including the Legion of Merit, Bronze Star Medal, Meritorious Service Medal, Army Commendation Medal, NATO Medal, and a Honolulu Police Department Bronze Medal of Valor.

Most recently, Colonel Logan has been serving as the Acting Deputy Adjutant General for the Department of Defense, where he has developed an excellent relationship with fellow colleagues and has gained firsthand experience on defense issues facing the State. Your Committee believes that Colonel Logan's extensive experience in the military and Honolulu Police Department, proven leadership abilities, and knowledge of defense issues qualify him to be appointed as the Deputy Adjutant General.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Nishihara).

SCRep. 3435 Agriculture and Environment on H.B. No. 2701

The purpose and intent of this measure is to:

- (1) Require that agency actions undertaken with funds from the Environmental Response Revolving Fund, Energy Security Special Fund, Energy Systems Development Special Fund, and Agricultural Development and Food Security Special Fund be undertaken with careful consideration of how those actions can also assist the State in achieving the State's zero emissions clean economy target and support the State's climate change resilience, environmental response, energy, and food systems; and
- (2) Require that annual reports for these funds also explain to the Legislature how expenditures support the State's clean energy economy and climate change resilience.

Your Committee received testimony in support of this measure from the Hawai'i Natural Energy Institute of the University of Hawaii, Hawaii State Energy Office, Climate Protectors Coalition, 350Hawaii, and fourteen individuals. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that it is important to coordinate as broadly as possible to have the greatest impact in advancing the State's policy goals with respect to emissions and climate resilience. According to testimony received by your Committee, the agencies receiving an allocation from the barrel tax should consider how the use of these funds would help the State achieve its zero emissions, clean economy goals.

Your Committee has amended this measure by inserting an effective date of July 1, 2020.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2701, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2701, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

SCRep. 3436 Agriculture and Environment on H.B. No. 2151

The purpose and intent of this measure is to:

- (1) Assist low- and moderate-income property owners with converting their failing cesspools to more environmentally appropriate systems by creating a Cesspool Compliance Pilot Grant Project within the Department of Health to assist with conversion costs; and
- (2) Appropriate funds to the Department of Health to implement the Cesspool Compliance Pilot Grant Project, including funds for an administrator position or to contract for services to establish and administer the project.

Your Committee received testimony in support of this measure from the Department of Health, the Mayor of the County of Hawaii, a member of the Maui County Council, EcoTipping Points Project, Ulupono Initiative, Maui Chamber of Commerce, Environmental

Caucus of the Democratic Party of Hawaii, WAI: Wastewater Alternatives & Innovations, and five individuals. Your Committee received testimony in opposition to this measure from the Department of Environmental Services of the City and County of Honolulu. Your Committee received comments on this measure from the Department of Taxation.

Your Committee finds that in certain areas of the State, upgrading a sewage system is impossible or extremely costly, especially for the low- and moderate-income families in Hawaii. This bill will alleviate some of the financial burden imposed by Act 125, Session Laws of Hawaii, 2017, which requires that all cesspools in the State be upgraded or converted into more environmentally friendly waste treatment systems or be connected to a sewer system before January 1, 2050.

Your Committee has amended this measure by:

- (1) Inserting a provision requiring grant applicants to consent to disclosing their tax information to the Department of Health in order to participate in the Cesspool Compliance Pilot Grant Project;
- (2) Using federal adjustable gross income, instead of Hawaii adjustable gross income, to determine an owner's eligibility for a grant from the Cesspool Compliance Pilot Grant Project;
- (3) Specifying that the tax returns used to verify an owner's income requirements be from the most recent taxable year that is closed; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2151, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2151, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

SCRep. 3437 Agriculture and Environment on H.B. No. 1861

The purpose and intent of this measure is to:

- (1) Extend the Pesticide Subsidy Program to June 30, 2025;
- (2) Extend the Pesticide Subsidy Program Manager position and the position's civil service and collective bargaining laws exemption to June 30, 2026; and
- (3) Appropriate funds for the Program and Program Manager position.

Your Committee received testimony in support of this measure from the Department of Agriculture, University of Hawaii System, Mayor of the County of Hawaii, Land Use Research Foundation of Hawaii, Hawaii Cattlemen's Council, Synergistic Hawaii Agriculture Council, Hawai'i Farm Bureau, Maui Chamber of Commerce, Kona Coffee Farmers Association, Hawaii Coffee Association, Rancho Aloha Kona Coffee, and nine individuals.

Your Committee finds that coffee is a high value agricultural crop to local economy. According to testimony received by your Committee, a recent economic analysis by the College of Tropical Agriculture and Human Resources estimated that the coffee berry borer caused \$7.68 million in crop losses and \$571,000 in lost state tax revenues in the 2013 fiscal year. This measure, which extends the Pesticide Subsidy Program, along with the pesticide subsidy program manager position necessary to process the applications for these subsidies, should be viewed as a modest investment in one of the State's largest and most important agricultural industries.

Your Committee has amended this measure by:

- (1) Inserting, per the recommendation of the Synergistic Hawaii Agriculture Council, an appropriation amount of \$200,000, including an appropriation of \$25,000 for the salary and fringe benefits of the pesticide subsidy program manager position; and
- (2) Inserting an effective date of July 1, 2020.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1861, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1861, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3438 Agriculture and Environment on H.B. No. 2277

The purpose and intent of this measure is to extend through the 2030 tax year, the important agricultural land qualified agricultural cost tax credit, which currently expires at the end of the 2021 tax year.

Your Committee received testimony in support of this measure from the Department of Taxation, Department of Agriculture, Office of Planning, Agribusiness Development Corporation, City and County of Honolulu Department of Planning and Permitting, Land Use Research Foundation of Hawaii, Kamehameha Schools, Ulupono Initiative, and Hawaii Farm Bureau.

Your Committee finds that two of the four counties have yet to complete the mapping of their potential important agricultural lands, which is statutorily required for qualifying landowners and farmers to receive credit for important and innovative improvements to their farmlands. According to testimony received by your Committee, extending the tax credit will allow qualifying owners to receive

credits for costs such as roads and utilities, agricultural housing, feasibility studies, and equipment. This measure will further encourage Hawaii's farmers to continue to work the land and help obtain our State goal of food self-sufficiency.

Your Committee has amended this measure by inserting an effective date of July 1, 2020.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2277, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2277, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3439 Agriculture and Environment on H.B. No. 1854

The purpose and intent of this measure is to:

- (1) Authorize the Department of Agriculture, in conjunction with the Hawaii Ant Lab, to identify best practices for the treatment of little fire ants by pest control operators;
- (2) Require the posting of any best practices identified by the Department of Agriculture on its website;
- (3) Require applicants for a pest control operator license to be tested, through a written examination, on the current best practices, as identified by the Department of Agriculture, on treatment of pests, including the little fire ant; and
- (4) Subject a pest control operator to potential licensing sanctions for failure to report known or suspected cases of little fire ants.

Your Committee received testimony in support of this measure from the Mayor of the County of Hawaii and two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Pest Control Association. Your Committee received comments on this measure from the Department of Agriculture and State Pest Control Board.

Your Committee finds that several testifiers raised concerns about language in the bill that relates to written examinations to obtain a pest control operator license and mandated reporting requirements for pest control operators. Your Committee further finds that pest control technology changes, and insects can also evolve over time to develop resistance to chemicals after repeated exposures. The language in this measure ensures the evolution of best management practices with any observed changes in the little fire ant populations in the State.

Your Committee has amended this measure by:

- (1) Removing language requiring applicants for a pest control operator license to be tested, through a written examination, on the current best practices, as identified by the Department of Agriculture, on the treatment of pests, including the little fire ant;
- (2) Removing language subjecting a pest control operator to potential licensing sanctions for failure to report known or suspected cases of little fire ants;
- (3) Clarifying that it is unlawful to apply pesticides when it defeats the best practices for the treatment of little fire ants, as identified by the Department of Agriculture;
- (4) Clarifying that training for invasive species be based on the best available technology and best practices in a manner consistent with state and federal laws;
- (5) Making it effective upon its approval; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1854, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1854, H.D. 1, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3440 Agriculture and Environment on H.B. No. 2407

The purpose and intent of this measure is to:

- (1) Require the Department of Health to adopt or amend rules to establish a classification system for composting facilities or operations for purposes of regulation; and
- (2) Allow composting and co-composting in the agricultural district, including on lands with class A or B soils.

Your Committee received testimony in support of this measure from Department of Health; City and County of Honolulu Office of Climate Change, Sustainability, and Resiliency; Kahana Foundation; Hawaii Youth Climate Coalition; Hawaii Food Industry Association; Kokua Hawaii Foundation; Zero Waste O'ahu; Down to Earth; Sustainable Coastlines Hawaii; WAI: Wastewater Alternatives & Innovations, and four individuals. Your Committee received comments on this measure from the Hawaii Farm Bureau and one individual.

Your Committee finds that small food waste composters currently go through the same permit process and meet the same requirements as industrial-scale solid waste management facilities. This measure will help create a more diverse waste management system that is better suited to the current needs of our State and increase the number of composting operations.

Your Committee has amended this measure by:

- (1) Amending language to require the Department of Health to specifically examine if food waste of any amount should qualify a composter of any size to become a solid waste management facility when establishing a classification system for composting facilities or operations;
- (2) Inserting a blank appropriation to create a program specialist position in the Solid and Hazardous Waste Branch that will focus on administrative rulemaking efforts;
- (3) Inserting an effective date of July 1, 2020; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2407, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2407, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

SCRep. 3441 Agriculture and Environment on H.B. No. 2565

The purpose and intent of this measure is to:

- (1) Establish the Pesticide Disposal Amnesty Program within the Department of Agriculture to provide a one-time, affordable, and environmentally accessible means for the disposal of restricted and nonrestricted use pesticides from a bona fide agricultural entity;
- (2) Convene a Pesticide Disposal Amnesty Program Steering Committee to guide and monitor the program;
- (3) Appropriate funds for the purposes of the Pesticide Disposal Amnesty Program;
- (4) Require, rather than authorize, the issuance of a written warning notice for first-time pesticide use violations; and
- (5) Increase fines for pesticide use violations.

Your Committee received testimony in support of this measure from the Department of Health; Department of Agriculture; Hawai'i Center for Food Safety; Kauai Chapter of the Surfrider Foundation; Young Progressives Demanding Action; We Are One, Inc.; Hawai'i SEED; EcoTipping Points Project; Hawaii Alliance for Progressive Action; Hawai'i Farm Bureau; CropLife America; and one hundred individuals. Your Committee received testimony in opposition to this measure from the Western Plant Health Association and Hawaii Pest Control Association. Your Committee received comments on this measure from Larry Jefits Farms, LLC.

Your Committee finds that the introduction of this measure is timely, as legal disposal options for pesticides are limited in Hawaii. Your Committee recognizes that the longer pesticides are left unmanaged, the more likely the container will fall, or the chemicals will leach into the ground or wash into nearby waterways. Accordingly, this measure has a great potential to provide environmental and human health benefits for the community by removing threats to residents, waterways, and the environment.

Your Committee recognizes the Department of Health's concern that the use of "amnesty" in the name of the program signals to the public that this program provides amnesty from complying with waste disposal regulations; however, it also notes that the amnesty given is meant to only apply to the pesticides that are brought for disposal, and the use of the word amnesty may encourage public participation, as with the Department of Agriculture's amnesty bin at the airport.

Your Committee has amended this measure by:

- (1) Replacing the word "amnesty" with "collection";
- (2) Authorizing, rather than requiring, the issuance of a written warning notice for first-time pesticide use violations;
- (3) Adding "at least" before "fourteen days" so that the Pesticide Disposal Collection Program will not be limited to only fourteen consecutive days, as that time frame may be insufficient to collect the currently unknown amount of unused pesticides in the State;
- (4) Limiting the Department of Agriculture's obligation to accept pesticides that weigh less than five pounds or fifteen gallons;
- (5) Allowing the Department of Agriculture to set a fee schedule for the disposal of pesticide amounts greater than five pounds or fifteen gallons without regard to Chapter 91 or Chapter 201M, Hawaii Revised Statutes;
- (6) Inserting an effective date of July 1, 2020; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2565, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2565, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Thielen). Noes, none. Excused, 1 (Fevella).

SCRep. 3442 Transportation on H.B. No. 2004

The purpose and intent of this measure is to improve the safety of child passengers in vehicles by:

- (1) Increasing the age for which child passenger restraints are required;
- (2) Requiring rear facing child safety seats for children under two years of age;
- (3) Repealing the exemption for vehicles with less seat belts than the number of passengers; and
- (4) Increasing the fines for violations of child restraint statutes.

Your Committee received testimony in support of this measure from the Department of Transportation; Honolulu Police Department; Safe Kids Hawaii, Kapi'olani Medical Center for Women and Children; and one individual.

Your Committee finds that traffic accidents continue to be a leading cause of death for Hawaii's children. According to the American Academy of Pediatrics guidelines, infants and toddlers should ride in rear-facing car safety seats as long as possible, until they reach the highest weight or height allowed by child safety seats. Your Committee further finds that rear facing child safety seats spread crash forces over the whole area of a child's back, head, and neck, protecting the spinal cord from snapping, which can lead to death or permanent severe injury. This measure will help protect Hawaii's children from injury should they be in a car accident.

Your Committee has amended this measure by:

- (1) Making it effective upon its approval;
- (2) Amending section 291-11.6, Hawaii Revised Statutes, to make conforming amendments to this measure; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2004, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2004, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3443 Labor, Culture and the Arts on H.B. No. 2541

The purpose and intent of this measure is to:

- (1) Make the State earned income tax credit refundable and permanent;
- (2) Increase and amend the refundable food/excise tax credit by basing the credit amount on a taxpayer's Hawaii earned income and federal adjusted gross income; and
- (3) Increase the minimum wage rate annually for four years as follows:
 - (A) \$11.00 per hour beginning on January 1, 2021;
 - (B) \$12.00 per hour beginning on January 1, 2022;
 - (C) \$12.50 per hour beginning on January 1, 2023; and
 - (D) \$13.00 per hour beginning on January 1, 2024.

Your Committee received testimony in support of this measure from the Governor; Department of Labor and Industrial Relations; Department of Human Services; Department of Taxation; Aloha United Way; League of Women Voters Hawaii; Kua'i Chamber of Commerce; Democratic Party of Hawaii Labor Caucus; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Chamber of Commerce Hawaii; Hawaii Appleseed Center for Law and Economic Justice; Hawaii Restaurant Association; Americans for Democratic Action; Church of the Crossroads; Aloha Harvest; Hawaiian Community Assets and Hawaii Community Lending; Hawaii Catholic Conference; Common Cause Hawaii; Goodwill Industries of Hawaii, Inc.; Bank of Hawaii; Catholic Charities Hawaii; Parents and Children Together; Hawai'i Labor Coalition; Hawai'i Children's Action Network Speaks!; Hawaii Petroleum Marketers Association; International Alliance of Theatrical State Employees Mixed Local 665, AFL-CIO; and thirty-eight individuals. Your Committee received testimony in opposition to this measure from the Hawaii Food Manufacturers Association; Hawaiian Chip Company, LLC.; and eleven individuals. Your Committee received comments on this measure from the Pono Hawai'i Initiative; American Association of University Women of Hawaii; Tax Foundation of Hawaii; Hawaii Food Industry Association; IMUAlliance; International Longshore and Warehouse Union, Local 142; Democratic Party of Hawai'i Education Caucus; Democratic Party of Hawai'i; Hawai'i Alliance for Community-Based Economic Development; Progressive Democrats of Hawai'i; Wahiawa United Methodist Church; Hawai'i Alliance for Progressive Action; Community Alliance on Prisons; Grassroot Institute of Hawaii; Faith Action for Community Equity; Living Wage Hawaii; Maui Chamber of Commerce; Tamura's Fine Wine & Liquors; Maui Soda & Ice Works, Ltd.; Hawaii Public Health Institute; Hawaii State Teachers Association; Retail Merchants Hawaii; ABC Stores; Zippy's Restaurants; 7-Eleven Hawaii, Inc.; AARP Hawai'i; and one hundred thirty-nine individuals.

Your Committee finds that this measure bolsters the collective efforts by the Governor, Legislature, and community leaders to address income inequality in Hawaii by providing direct support for individuals and families who are struggling. Your Committee further finds that by making positive changes to the earned income and food/excise tax credits, paired with an increased minimum

wage, the Legislature takes a sustainable approach to helping working families without placing the entire financial burden on businesses that drive the economy.

Your Committee has heard the concerns of AARP Hawaii that this measure requires the food/excise tax credit only be available to individuals and families who have both earned income and adjusted gross income not exceeding \$30,000. Low- and moderate- income retirees or elderly individuals who subsist on only Social Security benefits have no earned income and would be ineligible for the food/excise tax credit. Your Committee believes that this issue warrants further consideration by the Committee on Ways and Means as this measure progresses.

Your Committee notes that there is overwhelming support to increase the minimum wage. However, your Committee also acknowledges opposition from business groups and numerous individuals who testified that a minimum wage rate of \$13.00 per hour is insufficient to meet the cost of basic needs relative to the high cost of living in Hawaii, and implore that the Legislature give consideration to establishing a targeted increase of \$17.00 per hour. Your Committee finds that these issues raise concerns that also merit further consideration and requests that your Committee on Ways and Means further examine these issues and concerns raised by the testifiers.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2541, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Chang, Gabbard, Ihara). Noes, none. Excused, 1 (Fevella).

SCRep. 3444 Agriculture and Environment on H.B. No. 2276

The purpose and intent of this measure is to allow revenue generated by the State Veterinary Laboratory and Animal Disease Control Branch to be deposited into the Animal Industry Special Fund.

Your Committee received testimony in support of this measure from the Department of Agriculture, Hawaii Cattlemen's Council, and Hawai'i Farm Bureau.

Your Committee finds that the State Veterinary Laboratory is placed under the Animal Industry Division. Your Committee further finds that currently the fees generated by the State Veterinary Laboratory are not deposited into the Animal Industry Special Fund. According to testimony received by your Committee, the Animal Industry Division intends to continue expanding the capabilities of and services provided by the state veterinary laboratory through the specific fees referenced in this measure.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2020; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2276, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2276, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3445 Agriculture and Environment on H.B. No. 1940

The purpose and intent of this measure is to appropriate funds to the Department of Agriculture for the planning and design of a professional training facility for guide dogs and other professionally trained service dogs on a designated portion of the State's animal quarantine facility site in Halawa Valley.

Your Committee received testimony in support of this measure from the Department of Agriculture, University of Hawai'i System, Department of Human Services, and two individuals.

Your Committee finds that the location of the proposed training facility is well-suited for a guide-dog facility as an environmental impact statement has already been prepared for the site. Your Committee further finds that the construction of a professional training facility for guide dogs and other professionally trained service dogs will facilitate opportunities for the Department of Agriculture to collaborate with the College of Tropical Agriculture and Human Resources, University of Hawaii at Manoa, as it develops a companion animal program within its animal science curriculum.

Your Committee has amended this measure by:

- (1) Inserting the original appropriation amount of \$300,000;
- (2) Inserting an effective date of July 1, 2020; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1940, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1940, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3446 Agriculture and Environment on H.B. No. 1748

The purpose and intent of this measure is to provide that all animal parts, products, or items containing animal parts or products involved in the commission of wildlife tracking or certain hunting offenses shall be considered contraband and subject to forfeiture and disposal by the State.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Department of the Prosecuting Attorney of the City and County of Honolulu, Hawaiian Humane Society, Animal Welfare Institute, and one individual.

Your Committee finds that this measure empowers Hawaii law enforcement and courts to further penalize those who commit certain wildlife offenses. This measure ensures that contraband items are forfeited before they can be returned to the stream of commerce, thereby decreasing the amount of illegal trafficking of animal parts, products, or items containing prohibited animal parts or products in circulation.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1748, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

SCRep. 3447 Agriculture and Environment on H.B. No. 1654

The purpose and intent of this measure is to appropriate funds to the Department of Agriculture for feral pig control, including grants for fencing and corral traps and a program to reduce feral pig populations.

Your Committee received testimony in support of this measure from the Department of Agriculture; Land Use Research Foundation of Hawaii; Hawaii Cattlemen's Council; Maui County Farm Bureau; Hawai'i Farm Bureau; Hawaii Crop Improvement Association; Kauai County Farm Bureau; Punachick's Farm, LLC; Larry Jeffs Farms, LLC; Shaka Forrest Farms LLC; Kahuku Farms, Inc.; Ponoilo Ranch; Ono Pop's Kauai; Hole in the Mountain Farm LLC; Bayer Crop Science Hawaii; Waihale Products; A Special Touch Flowers; Tropical Dreams Ice Cream; Pioneer Hi-Bred; Em Hawaii, LLC; M Nakamura Nursery LLC; KHK Ranch LLC; Yee's Orchard; Main Family Farm; Ohana Farm Orchards; Ajar Inc., Aileen's Nursery; Aikane Plantation; Rusty's Hawaiian; Maui Cattle Company; KM Farm and Ranch; Hartung Brothers, Hawaii LLC; Wines of Kauai; Matsuda-Fukuyama Farms; The GrassMaster; and thirty-one individuals. Your Committee received testimony in opposition to this measure from Animal Rights Hawai'i and one individual.

Your Committee finds that feral pigs have been particularly damaging to farms and ranches statewide, where their numbers have been growing exponentially. Your Committee notes that feral pigs pose a significant threat to local economies by destroying agricultural crops and livestock, damaging Hawaii's ecology through invasive seed dispersal, competing with native wildlife, and posing a threat to human health and safety. According to testimony received by your Committee, the funding provided by this measure will allow the Department of Agriculture to develop and implement a much-needed control plan to limit the negative impacts produced by feral pigs.

Your Committee has amended this measure by:

- (1) Removing language referencing grants to allow the Department of Agriculture to expend the funds for fencing and corral traps by other funding mechanisms;
- (2) Adding language directing the Department of Agriculture to collaborate with the Department of Land and Natural Resources to increase feral pig control;
- (3) Inserting an appropriation of \$1,000,000; and
- (4) Inserting an effective date of July 1, 2020.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1654, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1654, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3448 Commerce, Consumer Protection, and Health on H.B. No. 1109

The purpose and intent of this measure is to:

- (1) Establish procedures and eligibility criteria for a privilege to practice public accountancy in the State for public accountants and certified public accountants licensed in another state with comparable education, examination, and experience requirements; and
- (2) Subjects all holders of a privilege to practice to the regulatory and enforcement jurisdiction of the Board of Accountancy.

Your Committee received testimony in support of this measure from the Hawaii Society of Certified Public Accountants; Chamber of Commerce Hawaii; Island Plastic Bags, Inc.; two individuals; and a petition signed by two hundred ninety-four individuals. Your Committee received testimony in opposition to this measure from the Board of Public Accountancy; Hawaii Association of Public Accountants; Maui Chamber of Commerce; Niwao & Roberts, P.C.; and eight individuals.

Your Committee finds that this measure is intended to establish “mobility legislation” to allow Hawaii consumers greater access to qualified certified public accountants, wherever those certified public accountants may reside, and to establish within the Board of Public Accountancy clear disciplinary power over all certified public accountants doing business in Hawaii.

However, your Committee has heard the concerns raised in testimony that this measure, as written, has the potential to outsource Hawaii certified public accountant (CPA) services to out-of-state and foreign CPAs with lower standards and no licensing fees, while Hawaii-licensed CPAs are held to higher standards and requirements. Additionally, this measure does not require registration or notice of practice to be given to the Board of Public Accountancy by an out-of-state or foreign CPA practicing in Hawaii. Your Committee therefore finds that S.B. No. 2059, S.D. 1 (Regular Session 2018), which amends Hawaii’s temporary permit to practice laws governing practice by out-of-state CPAs, is preferable to “no notice, no fees mobility legislation”.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 2059, S.D. 1 (2018), a measure that amends the requirements for obtaining a temporary permit to practice public accountancy in Hawaii, including:
 - (A) Specifying who may be granted a temporary permit to practice;
 - (B) Specifying the requirements that must be met prior to obtaining a temporary permit to practice;
 - (C) Requiring a person to obtain a temporary permit to practice from the Board of Public Accountancy prior to commencing public accountancy services in Hawaii;
 - (D) Specifying a time frame for the temporary permit to practice;
 - (E) Requiring persons granted a temporary permit to practice to consent to and certify various obligations, including being under the authority of the Board of Public Accountancy and paying all applicable taxes to the State; and
 - (F) Making conforming amendments to the laws relating to public accountancy; and
- (2) Inserting an effective date of January 1, 2021.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1109, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1109, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 7; Ayes with Reservations (Ruderman, Fevella). Noes, none. Excused, none.

SCRep. 3449 Commerce, Consumer Protection, and Health on H.B. No. 2563

The purpose and intent of this measure is to exempt planned community associations from certain requirements regarding cumulative voting for and the removal of directors under the Hawaii Nonprofit Corporations Act.

Your Committee received testimony in support of this measure from the Hawai’i State Association of Parliamentarians; Hawaii Chapter of the Community Associations Institute; Associa; Law Offices of Mark K. McKeller, LLLC; and six individuals.

Your Committee finds that the cumulative voting provisions under the Hawaii Nonprofit Corporations Act may be manipulated by planned community association boards of directors to prevent minority groups from attaining representation by simply omitting cumulative voting from meeting notices. This measure will clarify that the cumulative voting provisions under the Hawaii Nonprofit Corporations Act do not apply to planned community associations governed under the State’s planned community association laws.

Your Committee notes that stakeholders have had an opportunity to discuss potential amendments to clarify the cumulative voting procedures for planned community associations, similar to those found in the statutes governing condominium associations. Accordingly, amendments to this measure are necessary to incorporate this consensus language.

Your Committee has amended this measure by:

- (1) Inserting language that establishes cumulative voting requirements for directors; provided that the articles of incorporation, declaration, or bylaws provide for cumulative voting by members;
- (2) Inserting language that establishes removal procedures for directors elected by members or directors, and the notice requirements for meetings at which removal of a director is proposed;
- (3) Clarifying that if the board of directors does not intend to use association funds to distribute proxies that include the election of directors, the board shall post notice in prominent locations within the project of its intent to distribute written notice of an association meeting; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2563, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2563, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 3450 Commerce, Consumer Protection, and Health on H.B. No. 2322

The purpose and intent of this measure is to:

- (1) Require the Board of Massage Therapy to adopt and enforce sanitation rules for massage establishments;
- (2) Repeal existing statutory language that classifies unlicensed activity as a petty misdemeanor in favor of a provision that makes unlicensed activity a misdemeanor; and
- (3) Increase the minimum fine from \$100 to \$250 and the maximum fine from \$1,000 to \$2,000 for each violation of the massage therapy laws.

Your Committee received testimony in support of this measure from the Board of Massage Therapy, American Massage Therapy Association, and IMUAlliance. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that, in October 2018, Hawaii Administrative Rules adopted by the Department of Health that established sanitation requirements for massage therapy establishments were repealed. Since this repeal, massage therapy establishments have not had to comply with any sanitation requirements. This measure promotes public health and safety by granting the Board of Massage Therapy (Board) statutory authority to promulgate and enforce sanitation rules, protects the public by authorizing the Board to require that massage therapists operate in sanitary and licensed massage therapy establishments, and increases penalties.

Your Committee has amended this measure by inserting an effective date of July 1, 2020.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2322, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2322, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Nishihara).

SCRep. 3451 Commerce, Consumer Protection, and Health on H.B. No. 1678

The purpose and intent of this measure is to:

- (1) Prohibit a person from advertising or conducting a live musical performance or production through the use of a false, deceptive, or misleading affiliation, connection, or association with a performing group and recording group; and
- (2) Allow a court to grant restitution.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs and one individual.

Your Committee finds that there are a number of famous legacy musical acts scheduled to perform in the State in venues that contain a wide variety of attendees. This measure would protect the intellectual property of musical artists and consumers from deceptive practices by prohibiting advertising or conducting live performances of legacy performing groups, unless the performance includes one member of the original group, is identified as a tribute band, or the group is an authorized owner of a federal service mark for the original group.

Your Committee further notes that S.B. No. 2354, S.D. 1 is a substantially similar measure that was previously passed by the Senate, that prohibits a person from advertising or conducting a live musical performance through the use of deceptive affiliation under certain conditions, imposes penalties, and enables private rights of action. Your Committee concludes that the language in S.B. No. 2354, S.D. 1 is preferable to effectuate consumer protections against deceptive practices and provide remedies.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 2354, S.D. 1, a measure that:
 - (A) Establishes a new chapter to be appropriately designated in the Hawaii Revised Statutes to be cited as the Truth in Music Advertising Act;
 - (B) Defines “performing group”, “recording group”, and “sound recording”;
 - (C) Provides that a person may not advertise or conduct a live musical performance or production in this State through the use of a false, deceptive or misleading affiliation, connection, or association between a performing group and a recording group in certain circumstances;
 - (D) Establishes that each performance or production in violation of the measure constitutes a separate violation and shall be treated as an unfair or deceptive practice under section 480-2, Hawaii Revised Statutes;
 - (E) Authorizes the Department of the Attorney General to bring an action in the name of the State to refrain a violation by temporary or permanent injunction and authorizes a court to make additional order or judgments as necessary to restore money or other property that may have been acquired because of a violation; and
 - (F) Authorizes a civil cause of action for appropriate legal and equitable relief;
- (2) Inserting a purpose section;
- (3) Inserting an effective date of upon approval; and
- (4) Making technical, nonsubstantive amendments for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1678, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1678, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 7. Noes, none. Excused, none.

SCRep. 3452 Commerce, Consumer Protection, and Health on H.B. No. 2340

The purpose and intent of this measure is to clarify prohibited actions related to anatomical gifts and disposition of bodies.

Your Committee received testimony in support of this measure from the University of Hawai'i System.

Your Committee finds that this measure will protect vulnerable donors and their loved ones from making anatomical gifts to people or entities other than recipients who are capable of handling bodies with care and respect for legitimate medical or research purposes. Your Committee also finds that this measure will prevent body donations to people or entities who may not take the necessary steps to create a death certificate and obtain a disposition permit for the body.

Your Committee notes the importance of the Willed Body Program at the John A. Burns School of Medicine at the University of Hawaii at Manoa, which provides medical students with basic training in anatomy and the opportunity to develop clinical skills upon which to build applied clinical knowledge throughout their medical education and careers. As part of the Willed Body Program, medical students hold an annual memorial service to honor the human cadavers, which provides community engagement in the training of future physicians and ensures that the disposition of the donated bodies are done properly and respectfully. Furthermore, support for programs at the John A. Burns School of Medicine is critical in addressing the physician shortage currently in the State.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2340, H.D. 2, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Nishihara).

SCRep. 3453 Transportation on H.B. No. 2253

The purpose of this measure is to improve public safety and efficiency by amending the statewide traffic code to allow for the Chairperson of Board of Land and Natural Resources and county chiefs of police to designate state or county employees or contractors to issue citations for certain traffic violations.

Your Committee received testimony in support of this measure from the Department of Transportation; Department of Land and Natural Resources; Disability and Communication Access Board; Hawai'i Tourism Authority; Office of the Mayor, County of Kaua'i; Kaua'i Police Department; and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that because of the shortage of police officers in every county, enforcement of special no stopping, standing, or parking zones throughout the State is very limited. This measure will allow the Department of Land and Natural Resources and the county police chiefs the flexibility to assign certain state and county employees and contractors to assist in issuing citations for certain traffic violations.

Your Committee has amended this measure by making it effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2253, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2253, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3454 Transportation on H.B. No. 2590

The purpose of this measure is to establish and appropriate funds for an autonomous vehicle testing pilot program within the Department of Transportation.

Your Committee received testimony in support of this measure from the Department of Transportation; Hawaii Climate Change Mitigation & Adaptation Commission; State Council on Developmental Disabilities; Hawaii Auto Dealers' Association; Climate Protectors Coalition; Ulupono Initiative; SanHi Government Strategies, LLLP; 350Hawaii; and eight individuals. Your Committee received testimony in opposition to this measure from the Self-Driver Coalition for Safer Streets and one individual. Your Committee received comments on this measure from TechNet.

Your Committee finds autonomous vehicles have the potential to decrease noise, pollution, congestion, and auto-related deaths throughout the State. Autonomous vehicles could also revolutionize how people with disabilities participate in their communities. This measure authorizes the Department of Transportation to oversee an autonomous vehicle testing pilot program.

Your Committee finds that in order to attract the autonomous vehicle industry to Hawaii, the program must be less restrictive in order to provide the program sufficient time to show progress. Your Committee clarifies that the autonomous vehicle testing pilot program is not intended to be just a two-year program, but that in two years, the Department of Transportation shall submit to the Legislature its report on the pilot program. As such, your Committee has amended this measure by:

- (1) Removing the sunset date of June 30, 2022;

- (2) Removing the restriction that autonomous vehicles can only be tested on roads which have a particular speed limit; and
- (3) Removing the restriction that autonomous vehicles can only be tested on roads under the jurisdiction of the Department of Transportation.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2590, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2590, H.D. 2, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3455 Transportation on H.B. No. 2674

The purpose and intent of this measure is to expedite the motor vehicle registration process by requiring that any authorization by a county director of finance for electronic motor vehicle registration shall apply to all motor vehicles.

Your Committee received testimony in support of this measure from Matson, Inc; Servco Pacific, Inc.; Hawaii Transportation Association; and B and C Trucking Co., Ltd.

Your Committee finds that commercial motor vehicle registration is a time-consuming process. This measure allows the counties to take advantage of modern technology by authorizing the use of an electronic method for motor vehicle registration of all types of motor vehicles. Your Committee further finds that most commercial motor vehicles operate in combination with a trailer or intermodal equipment, such as a shipping container, which must also be registered. Implementing e-registration for trailers and intermodal equipment would further the intent of this measure to save companies time and cost. As such, your Committee has amended this measure by:

- (1) Adding language that also allows trailers and intermodal equipment to be electronically registered;
- (2) Inserting an effective date of January 1, 2021; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2674, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2674, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3456 (Joint) Commerce, Consumer Protection, and Health and Education on H.B. No. 141

The purpose and intent of this measure is to:

- (1) Require public schools and public charter schools to have at least one employee trained to administer seizure rescue medication, except under certain circumstances;
- (2) Require a seizure action plan for every student diagnosed with a seizure disorder and distribution of the plan to employees charged with supervising or caring for the student;
- (3) Require all principals, guidance counselors, and teachers to perform an annual self-study review of seizure disorder materials; and
- (4) Appropriate funds to the Department of Education for training of employees to administer or assist with the self-administration of seizure rescue medication.

Your Committees received testimony in support of this measure from the State Public Charter School Commission, Hawai'i Primary Care Association, Epilepsy Foundation of Hawaii, Lahui Foundation, and thirty-four individuals. Your Committees received comments on this measure from the Department of Education and Hawaii Disability Rights Center.

Your Committees find that epilepsy is a medical condition characterized by seizures that affects a variety of mental and physical functions. Because a seizure can happen at any time and in any place, it is vital that school personnel are prepared to appropriately and effectively respond in the event of a seizure. Therefore, this measure, which is based on model legislation proposed by the National Epilepsy Foundation, increases the public's awareness of seizure disorders and makes all schools safer for students affected by seizure disorders.

Your Committees note that public charter schools do not currently have the appropriate personnel to utilize the appropriation for the purposes of this measure and, because this issue raises concerns that merit further consideration, request that your Committee on Ways and Means further examine this issue.

Your Committees have amended this measure by:

- (1) Inserting language that provides immunity from liability for school employees for any act or omission relating to administering or assisting with the self-administration of seizure rescue medication, vagus nerve stimulator magnet, or any other medication prescribed to treat seizure disorder symptoms;
- (2) Requiring private schools, in addition to public schools and public charter schools, to have an employee trained to administer seizure disorder rescue medication and other school employee training and education requirements; and

- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 141, H.D. 3, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 141, H.D. 3, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 7. Noes, none. Excused, none.

Education: Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Kim).

SCRep. 3457 Commerce, Consumer Protection, and Health on H.B. No. 2043

The purpose and intent of this measure is to:

- (1) Allow an unlicensed mental health professional, working under the supervision of a licensed mental health professional, to provide mental health treatment or counseling services to minors without parental or legal guardian consent, knowledge, or participation;
- (2) Require a mental health professional to assist a minor with completing a nondisclosure notification form to send to covered entities, when appropriate; and
- (3) Require a covered entity, upon receiving a completed notification form, to maintain the confidentiality of minor-initiated mental health treatment or counseling services.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii Youth Services Network, Hawaii Substance Abuse Coalition, Democratic Party of Hawai'i, LGBT Caucus of the Democratic Party of Hawai'i, Hawai'i Psychological Association, Parents and Children Together, Hawai'i Public Health Association, League of Women Voters of Hawaii, and one individual. Your Committee received testimony in opposition to this measure from ten individuals. Your Committee received comments on this measure from the Hawaii Medical Service Association and Hawaii Association of Health Plans.

Your Committee finds that the Department of Health convened a task force, pursuant to Act 13, Session Laws of Hawaii 2018, to address the concerns of minors seeking counseling on sexual orientation, gender identity, gender expressions, and related behaviors. The findings of the task force revealed that there was general agreement amongst task force members to amend existing law to increase access to adolescent mental health services. Accordingly, this measure, which is a product of the task force led by the Department of Health's Child and Adolescent Mental Health Division, improves timeliness and access to care in the development of minor's mental health issues.

Your Committee has amended this measure by:

- (1) Deleting language that would have required a mental health professional to assist a minor with completing a nondisclosure notification form to send to covered entities;
- (2) Inserting language to require a mental health professional to ensure that the covered entity has been notified that minor-initiated mental health treatment or counseling services should not be disclosed;
- (3) Clarifying provisions related to the policies and procedures of a covered entity to maintain nondisclosure of minor-initiated mental health treatment or counseling services; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2043, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2043, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 3458 Commerce, Consumer Protection, and Health on H.B. No. 1602

The purpose and intent of this measure is to:

- (1) Include the use of natural organic reduction as a method for the disposal of human remains; and
- (2) Clarify the procedures associated with the disposition of a decedent's remains to include natural organic reduction facilities.

Your Committee received testimony in support of this measure from the University of Hawai'i System. Your Committee received comments on this measure from the Department of Human Services, Department of Health, and Hawaii Funeral and Cemetery Association, Inc.

Your Committee finds that there are alternative methods for arranging for the final disposition of dead human bodies other than burial or cremation. These new alternatives are promoted as environmentally friendly methods intended to decompose dead human bodies without the use of chemicals or pollutive effects related to traditional burials or cremation. There are, however, concerns with the regulation associated with these new alternatives, which necessitates further investigation and discovery with various stakeholders.

Accordingly, your Committee has amended this measure by:

- (1) Making conforming amendments to include natural organic reduction services under procedures associated with the disposition of a decedent's remains;

- (2) Inserting language that establishes a working group to explore natural organic reduction as a means of disposal of human remains; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1602, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1602, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 7. Noes, none. Excused, none.

SCRep. 3459 Commerce, Consumer Protection, and Health on H.B. No. 2630

The purpose and intent of this measure is to:

- (1) Set a timeline for the transition of health care facilities of the Oahu Region of the Hawaii Health Systems Corporation to the Department of Health; and
- (2) Establish a working group to develop, evaluate, and implement a comprehensive plan to address all necessary components of such transition.

Your Committee received testimony in support of this measure from the Department of Health; Hawaii Health Systems Corporation; Oahu Region of the Hawaii Health Systems Corporation; and United Public Workers, AFSCME Local 646, AFL-CIO. Your Committee received comments on this measure from the State Procurement Office and Hawaii Government Employees Association.

Your Committee finds that the Oahu Regional Health Care System is unique and distinguishable from the other regions due to the logistical complexities of the Oahu Regional Health Care System facilities and the limited but crucial nature of the services these facilities, Leahi Hospital and Maluhia, currently provide. Because the Oahu facilities almost exclusively serve long-term care and medicaid patients, groups traditionally underserved by private facilities because of the high cost of their care, the Oahu Regional Health Care System's long-term care operations are run more as a safety-net social service and, as compared to the other regions, have less opportunity for additional revenue generation.

Your Committee further finds that, while statutorily tied to the Hawaii Health Systems Corporation, the Oahu Regional Health Care System operates mostly autonomously and its needs are unique from those of the other regional health care systems. As such, there is little necessity to keep the Oahu Regional Health Care System a part of the Hawaii Health Systems Corporation. With proper planning and implementation, the Oahu Regional Health Care System could be strategically assimilated into the Department of Health and its facilities could be used to help alleviate the need for subacute residential stabilization and other services.

Your Committee has amended this measure by:

- (1) Adding findings relating to the need in Hawaii for a coordinated network of stabilization beds for those struggling with substance use, mental health conditions, and homelessness;
- (2) Specifying the membership of the Hawaii Health Systems Corporation Board, including reinstating the members who reside on the island of Oahu;
- (3) Inserting language that authorizes the Director of Health to have sole decision-making authority over matters of the Oahu Regional Health Care System beginning on June 30, 2020, and until the transition of the Oahu Regional Health Care System into the Department of Health is complete;
- (4) Inserting language that authorizes the transition of a Hawaii Health Systems Corporation regional system or health facility to a division or branch under a state executive department;
- (5) Inserting language that specifies the transfer of the Oahu Regional Health Care System to the Department of Health, including the timeline of the transfer of the budget and position count;
- (6) Amending the composition of the working group to designate certain entities to serve in a consultative capacity;
- (7) Clarifying the responsibility of the working group to develop a transfer framework to govern and manage the additional steps necessary to complete the transfer of the Oahu Regional Health Care System to the Department of Health;
- (8) Deleting language related to permitted interaction of members of the working group and public notice requirements;
- (9) Inserting language to require the working group to submit an interim report that outlines all components of the transition that have been effectuated and any necessary legislative action;
- (10) Specifying that certain transition-related actions specified in this measure be subject to certain conditions; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2630, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2630, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 3460 (Joint) Agriculture and Environment and Commerce, Consumer Protection, and Health on H.B. No. 1696

The purpose and intent of this measure is to statutorily require the Fuel Tank Advisory Committees to meet at least twice a year.

Your Committees received testimony in support of this measure from the Department of Health, Honolulu Board of Water Supply, Environmental Caucus of the Democratic Party of Hawaii, and two individuals. Your Committees received comments on this measure from the Department of the Navy and Chamber of Commerce Hawaii.

Your Committees find that specifying that the Fuel Tank Advisory Committee meet at least twice a year to study issues related to field-construction underground fuel storage tanks leaks provides greater opportunity for public participation and transparency.

Your Committees have amended this measure by:

- (1) Amending the measure to require the two annual meetings to be held six months apart; and
- (2) Making it effective upon its approval.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1696, H.D. 1, , as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1696, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Wakai).

SCRep. 3461 (Joint) Agriculture and Environment and Commerce, Consumer Protection, and Health on H.B. No. 1891

The purpose and intent of this measure is to reestablish and fund one full-time equivalent permanent veterinary medical officer position within the Department of Health.

Your Committees received testimony in support of this measure from the Department of Health, Hawaii Veterinary Medical Association, and four individuals.

Your Committees find that veterinarians go through unique training, and that a public health veterinarian within the Department of Health would be essential in promoting disease control responsibilities and serving as a liaison to animal and wildlife health experts and other non-traditional public health partners, along with serving as the department's subject matter expert, during an outbreak of a zoonotic disease.

Your Committees further find that the Department of Health had a public health veterinarian that oversaw the production of public health publications distributed to Hawaii physicians and veterinarians. Your Committees note that these publications could be coupled with continuing medical education to help ensure the continued competence of the State's health care workforce.

Your Committees have amended this measure by:

- (1) Inserting an appropriation amount of \$110,000, with \$95,000 used toward the reestablishment of one full-time equivalent (1.00 FTE) permanent veterinary medical officer position in the department of health and \$15,000 for operational costs;
- (2) Inserting an effective date of July 1, 2020; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1891, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1891, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Nishihara, Wakai).

SCRep. 3462 Education on H.B. No. 917

The purpose and intent of this measure is to:

- (1) Require the City and County of Honolulu to transfer to the Department of Education fee simple title to the property on which the Department's Student Transportation Service Office on Young Street is located; and
- (2) Appropriate funds as a grant-in-aid to the City and County of Honolulu to prepare, execute, and record the quitclaim deeds required to convey to the Department the property on which the Department's Student Transportation Service Office on Young Street is located.

Prior to the hearing on this measure, your Committee posted and made available for public review a Proposed S.D. 1, which deletes the contents of the measure and inserts language to require the Attorney General of the State of Hawaii, on behalf of the Department of Education, to institute proceedings to acquire certain land owned by the Mililani Town Association by voluntary action or condemnation.

Your Committee received testimony in support of the Proposed S.D. 1 from the Department of Education and Mililani Town Association.

Your Committee finds that the Mililani Town Association owns a parcel of land that fronts Mililani High School. Mililani High School desires to build an access ramp on this parcel that is compliant with the Americans for Disabilities Act to allow students, staff, family members, and the general public access to the school. Mililani Town Association is amenable to this construction and would like to avoid the potential for liability by transferring title to the parcel to the State. This measure provides a legal process for the friendly condemnation of the parcel by the State in a manner agreeable to all parties.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 917, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 917, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Kanuha).

SCRep. 3463 Agriculture and Environment on H.B. No. 2532

The purpose and intent of this measure is to:

- (1) Appropriate funds to mitigate and control the two-lined spittlebug and to fund recovery efforts; and
- (2) Require the Department of Agriculture to submit a report to the Legislature, before the convening of the regular session of 2021, on its expenditure of funds and the progress of funded activities.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Department of Agriculture; a member of the Hawaii County Council; Mayor of the County of Hawaii; Hawaii Cattlemen's Council, Inc.; Land Use Research Foundation of Hawaii; Ulupono Initiative; Hawai'i Farm Bureau; Local Food Coalition; Hawaii Aquaculture and Aquaponics Association; Kealia Ranch; Kukaiau Ranch; Hawaii Meats, LLC; Ponoholo Ranch Limited; Larry Jefts Farms, LLC; Palani Ranch; and eleven individuals.

Your Committee finds that as of October of 2019, two-lined spittlebugs have infested over 222 square miles or 142,468 acres of key pastures used by the livestock ranching industry. Your Committee further finds that the damage from this invasive species does not allow for regrowth and requires ranchers to replant affected pastures, thereby threatening the local livestock ranching industry. Thus, your Committee finds that action is necessary to mitigate and control the two-lined spittlebug.

Your Committee has amended this measure by:

- (1) Inserting an appropriation amount of \$1,000,000;
- (2) Inserting an effective date of July 1, 2020; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2532, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2532, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3464 Agriculture and Environment on H.B. No. 2181

The purpose and intent of this measure is to:

- (1) Appropriate funds to the Department of Agriculture to establish a pilot program to identify and purchase foreign agricultural technology, including small equipment tractors and retrofit engines, that will benefit the State's farmers and ranchers and comply with the Environmental Protection Agency's emission standards; and
- (2) Require the Chairperson of the Board of Agriculture to submit a report to the Legislature on the pilot program's progress and any findings, recommendations, or proposed legislation.

Your Committee received testimony in support of this measure from the Land Use Research Foundation of Hawaii; Hawaii Cattlemen's Council, Inc.; Maui County Farm Bureau; Ulupono Initiative; Hawai'i Farm Bureau; Maui Chamber of Commerce; Ponoholo Ranch; Kahuku Farms, Inc.; Waihale Products; M Nakamura Nursery LLC; KHK Ranch LLC; Main Family Farm; Kahuku Farmers Inc; Aikane Plantation; Bayer Crop Science Hawaii; and fourteen individuals. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that since the average farmer in Hawaii is a small farmer with limited land, it is critical for local growers to identify small farming equipment and other technologies suitable for Hawaii's diverse agriculture systems.

Your Committee has amended this measure by:

- (1) Replacing the Department of Agriculture with the College of Tropical Agriculture and Human Resources, in collaboration with a University of Hawaii system community college, to carry out the foreign agriculture small equipment pilot program;
- (2) Inserting an appropriation amount of \$100,000;

- (3) Adding initiatives that will direct the foreign agriculture small equipment pilot program's objectives, as suggested by the Hawaii Farm Bureau;
- (4) Requiring the Dean of the College of Tropical Agriculture and Human Resources to submit a report to the Legislature on the foreign agriculture small equipment pilot program's progress and any findings, recommendations, or proposed legislation;
- (5) Inserting an effective date of July 1, 2020;
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2181, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2181, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3465 Agriculture and Environment on H.B. No. 2193

The purpose and intent of this measure is to require all habitat conservation plans to include an agreement for plan participants to enter into and maintain an annual service contract with a stand-by and response facility available to provide emergency medical and rehabilitation services to native wildlife affected by activities undertaken within the plan area.

Your Committee received testimony in support of this measure from the Department of Health, Department of Land and Natural Resources, a member of the Hawaii County Council, Hawai'i Wildlife Center, and six individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from Hawaii Clean Power Alliance and AEP Renewables.

Your Committee finds that while this Committee wants to do all it can to protect wildlife, it also needs to be aware of the added costs this measure could place on the renewable energy companies in our State as this body remains committed to achieving the State's one hundred percent Renewable Portfolio Standard goals.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2193, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3466 Agriculture and Environment on H.B. No. 2624

The purpose and intent of this measure is to require the Office of Environmental Quality Control to establish, implement, and maintain an interactive website that is accessible by the public at no cost and provides notification of and opportunity for participation in actions taken pursuant to the State's environmental review process.

Your Committee received testimony in support of this measure from EcoTipping Points Project and three individuals.

Your Committee finds that all parties benefit from public participation and transparency in the planning processes of the State and counties. Your Committee recognizes that the public is often unaware of a pending public work until the opportunity for public comment has passed. This measure supports public participation in public project discussions prior to the determination of an environment assessment or environmental impact statement; thereby fostering greater awareness of and participation in the environmental review process through the use of technology to provide cost-free accessibility.

Your Committee has amended this measure by inserting an effective date of July 1, 2020.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2624, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2624, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3467 Commerce, Consumer Protection, and Health on H.B. No. 2110

The purpose and intent of this measure is to:

- (1) Clarify the group of professionals who are prohibited from knowingly referring or transferring patients to an uncertified or unlicensed care facility; and
- (2) Repeal the provision that a landlord, under specified conditions, shall not be deemed to be providing home care services or operating a care facility that requires a license.

Your Committee received testimony in support of this measure from the Department of Health, ILWU Local 142, ARCA, Big Island Adult Foster Home Association, Big Island Adult Foster Home Operators, and seven individuals.

Your Committee finds that individuals needing the care of another are often elderly, disabled, or minors. In situations where care is being provided by non-family members, it is essential that these caregiver facilities and the individuals providing care in these facilities meet the appropriate requirements and training. Your Committee further finds that many elderly and disabled individuals who need

long-term care services and support are living in unlicensed homes. Therefore, it is critical to ensure that care is properly and diligently provided for the health, safety, and welfare of the State's kupuna and other vulnerable populations.

Your Committee has amended this measure by:

- (1) Inserting language that requires the Department of Health to prioritize complaint allegations based on severity; for investigations of state-licensed or state-certified care facilities; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2110, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2110, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 3468 Commerce, Consumer Protection, and Health on H.B. No. 2323

The purpose and intent of this measure is to:

- (1) Expand the pool of persons eligible to receive restitution from the Mortgage Loan Recovery Fund; and
- (2) Authorize the Director of Commerce and Consumer Affairs to issue orders of restitution.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that under existing law, a person aggrieved by a licensee's fraud, misrepresentation, or deceit must obtain a judgment against the licensee in circuit or district court and then obtain an order from the court for payment from the Mortgage Loan Recovery Fund (Fund). This measure simplifies the process by allowing payments based on the entry of the order, without a separate post-judgment order.

Your Committee notes the concerns raised in the testimony of the Department of Commerce and Consumer Affairs that this measure, as written, creates confusion for consumers seeking recovery from the Fund because it appears to provide that aggrieved consumers can either go to court and get a judgment or make a claim with the Director of the Department of Commerce and Consumer Affairs. Further, this measure does not expand the pool of individuals eligible for payment from the Fund, as intended, because it does not include consumers who are entitled to restitution based on a finding of a regulatory calculation error made by the licensee, which does not require a finding a fraud, misrepresentation, or deceit. Your Committee further notes that the companion to this measure, S.B. No. 2879, S.D. 1, addresses the concerns raised in testimony and that its language is preferable.

Accordingly, your Committee has amended this measure by clarifying that any person aggrieved by a licensee's act, representation, transaction, or conduct in violation of chapter 454F, Hawaii Revised Statutes, and not involving an act of fraud, misrepresentation, or deceit, may receive restitution by order of the Commissioner of Financial Institutions.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2323, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2323, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 7. Noes, none. Excused, none.

SCRep. 3469 Commerce, Consumer Protection, and Health on H.B. No. 2454

The purpose and intent of this measure is to establish the offense of criminal trespass on critical electrical infrastructure.

Your Committee received testimony in support of this measure from the City and County of Honolulu Police Department and Hawaiian Electric Company, Inc.

Your Committee finds that attacks on critical infrastructure, specifically electrical infrastructure, could be used to cause widespread panic and create economic distress. The infrastructure risk associated with the criminal threats include vandalism, copper theft, and unauthorized access into the facility. The outages caused by trespassers can result in immeasurable costs to the State's residents, businesses, and military partners. This measure emphasizes the importance of protecting our electrical power plants and deter criminal activity by making trespassing on these facilities a class C felony.

Your Committee notes, however, the importance of balancing the protection of critical electrical infrastructure with a person's right to peacefully assemble or protest at or near parts of a power plant or power generating facility that are not responsible for the actual operation or generation or transmission of electricity. Your Committee finds that S.B. No. 2515, S.D. 1 makes this distinction and is therefore preferable. Accordingly, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Clarifying that a person commits the offense of criminal trespass on critical electrical infrastructure when the person recklessly disregards a risk that the property belongs to a critical electrical infrastructure company;
- (2) Clarifying that an act occurs in the course of committing the offense if it occurs in effecting entry or while on the property or in immediate flight therefrom;

- (3) Clarifying the definition of “critical electrical infrastructure” to mean areas integral to the operation or function of certain facilities, not including support offices, electric transmission land, or rights-of-way that are not completely enclosed and maintained by the electric utility;
- (4) Amending section 1 to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2454, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2454, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 7. Noes, none. Excused, none.

SCRep. 3470 Commerce, Consumer Protection, and Health on H.B. No. 2315

The purpose and intent of this measure is to:

- (1) Allow the contractors license board and real estate commission to adjust, reduce, suspend, or cease collection of recovery fund and education fund fees to maintain a reasonable relation between the fees generated and the cost of services rendered by the funds;
- (2) Cap the contractors recovery fund, contractors education fund, real estate recovery fund, real estate education fund, and condominium education trust fund at amounts determined biannually by the contractors license board or real estate commission.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Real Estate Commission, Contractor License Board, Hawaii Chapter of the Community Associations Institute, and Associa.

Your Committee finds that Act 29, Session Laws of Hawaii 2019 (Act 29), established or amended certain special fund ceilings and provided for the suspension or refund of fees if the ceiling was exceeded. Act 29 had a partially delayed implementation date to give the Department of Commerce and Consumer Affairs time to confer with the Contractors License Board (Board) and the Real Estate Commission (Commission) to determine reasonable and appropriate recovery and education trust fund balances. This measure provides authority to more effectively regulate trust fund balances, removes language that would have triggered expensive protocols that would be challenging to implement, specifies criteria for the Board and Commission to consider when determining whether fee adjustments are appropriate, and provides guidelines to maintain a reasonable relation between the fees generated and the cost of services rendered by the funds.

Your Committee has amended this measure by:

- (1) Clarifying that the Commission and the Board shall determine appropriate fund balances biennially, rather than biannually;
- (2) Inserting an effective date of July 1, 2020; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2315, H.D. 3, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2315, H.D. 3, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Nishihara).

SCRep. 3471 Commerce, Consumer Protection, and Health on H.B. No. 2420

The purpose and intent of this measure is to:

- (1) Clarify the meaning of “program or activity receiving state financial assistance”; and
- (2) Exclude cases within the scope of the Individuals with Disabilities Education Act from the jurisdiction of the Hawaii civil rights commission.

Your Committee received testimony in support of this measure from the Disability and Communication Access Board, Hawai‘i Civil Rights Commission, Hawaii Disability Rights Center, National Federation of the Blind of Hawaii, and four individuals.

Your Committee finds that when enacted, section 368-1.5, Hawaii Revised Statutes, was intended to provide a state remedy for disability discrimination in addition to the federal remedies available under section 504 of the Rehabilitation Act, thereby providing an alternative state remedy in situations where federal remedies were also available. The intent was to provide those with disabilities non-discriminatory access to state financially assisted programs and activities, regardless of whether that program or activity also received federal financial assistance.

The Hawaii Civil Rights Commission has enforcement jurisdiction over Hawaii laws prohibiting discrimination in employment, housing, public accommodations, and access to state financially assisted programs and activities on the basis of disability. However, the Hawaii Supreme Court in *Hawaii Technology Academy and the Department of Education v. L.E. and Hawaii Civil Rights Commission*, 141 Hawaii 147, 407 P.3d 103 (2017), held that the Legislature did not intend the Hawaii Civil Rights Commission to

have jurisdiction over disability discrimination claims under section 368-1.5, Hawaii Revised Statutes, if protections under section 504 of the Rehabilitation Act were also applicable.

This decision rendered section 368-1.5, Hawaii Revised Statutes, superfluous as nearly all state departments receive federal funds and eliminated an avenue of redress for Hawaii residents who believed they had been discriminated against on the basis of disability.

Your Committee further finds that this measure clarifies the original intent of the Legislature to give the Hawaii Civil Rights Commission jurisdiction over state funded program-related disability discrimination claims so that Hawaii residents may have a state remedy regardless of whether they may also be entitled to remedies under federal law.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2420, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2420, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Nishihara).

SCRep. 3472 Commerce, Consumer Protection, and Health on H.B. No. 2499

The purpose and intent of this measure is to change the number of Maui members on the Board of Directors of the Hawaii Health Systems Corporation to an unspecified number.

Your Committee received testimony in support of this measure from Hawaii Health Systems Corporation and Hawaii Government Employees Association.

Your Committee finds that since the management and operations of three Maui region hospitals were transferred to the Maui Hospital System, the composition of the Hawaii Health Systems Corporation Corporate Board needs to be adjusted accordingly. This measure would be financially and operationally beneficial to the Hawaii Health System Corporation by allowing for a broader array of experience and statewide representation on the Board.

Your Committee has amended this measure by:

- (1) Adding two members as at-large appointments to the Hawaii Health Systems Corporation Corporate Board, for a total of nineteen members;
- (2) Reducing the number of Maui representation on the Hawaii Health Systems Corporation Corporate Board from three to two members; and
- (3) Inserting an effective date of July 1, 2020.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2499, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2499, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Nishihara).

SCRep. 3473 Commerce, Consumer Protection, and Health on H.B. No. 2726

The purpose and intent of this measure is to:

- (1) Include certain spirits-based beverages in the definition of cooler beverage; and
- (2) Establish a separate tax rate for beer for small craft producer pubs.

Your Committee received testimony in support of this measure from Kauai Beer Company, Hana Koa Brewing Company, Maui Brewing Company, Beer Lab Hawaii, Hawaiian Craft Brewers Guild, Waikiki Brewing Company, Lanikai Brewing Company, Kaua'i Island Brewing Company, and one individual. Your Committee received comments on this measure from the Department of the Attorney General, Department of Taxation, and Tax Foundation of Hawaii.

Your Committee finds that existing law does not provide a tax rate for a spirits-based cooler beverage. This means that, for example, a local distiller that wishes to make a twelve-ounce ready-to-drink cooler beverage that contains only one ounce of liquor is taxed as if the entire content is alcohol. Despite the growing number of local distilleries, this disparate tax rate is a significant reason there is only one locally produced ready-to-drink spirits-based beverage. The existing tax rate also significantly inhibits growth and the success of small producers. This measure brings parity between spirits, wine, and beer by amending the definition of cooler beverage to include spirits-based beverages to encourage local distilleries to produce ready-to-drink cocktails.

Your Committee further finds that small, local breweries operate on a much different economic scale than larger breweries. This measure implements a smaller brewer tax rate for small craft producer pubs to boost the ability of independent craft breweries to continue to grow and succeed.

Your Committee has heard the concerns raised in testimony that this measure, as written, is problematic because it defines "small craft producer pubs" as those that hold a class 18 liquor license. Therefore, the lower tax rate is available only if the beer is manufactured in Hawaii, and would not be available to out-of-state small craft producer pubs which may run afoul of the Commerce

Clause of the U.S. Constitution. Your Committee notes that the language in H.B. No. 2726 as originally drafted is preferable as it extends the lower tax rate to “qualified small brewers”, rather than only Hawaii “small craft producer pubs” as defined in this measure. Accordingly, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Clarifying that the tax rate for qualified small brewers shall be \$0.35 per wine gallon on beer and draft beer;
- (2) Deleting the definition of “small craft producer pub”;
- (3) Inserting a definition of “qualified small brewer” to mean a brewer who:
 - (A) Produces seventy thousand barrels of beer or less annually;
 - (B) Holds an approved brewer’s notice from the Alcohol and Tobacco Tax and Trade Bureau; and
 - (C) Produces beer within the United States;
- (4) Clarifying that the tax rates established by this measure shall apply on January 1, 2021; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2726, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2726, H.D. 1, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 7. Noes, none. Excused, none.

SCRep. 3474 (Joint) Commerce, Consumer Protection, and Health and Agriculture and Environment on H.B. No. 2718

The purpose and intent of this measure is to establish and appropriate funds for a Climate Change and Human Health Adaptation Coordinator within the Department of Health and related operating expenses.

Your Committees received testimony in support of this measure from the Department of Health, Department of Agriculture, Office of Planning, Hawaii Climate Change Mitigation and Adaptation Commission, one member of the Hawai’i County Council, County of Hawai’i Planning Department, Honolulu Board of Water Supply, Hawai’i Public Health Association, and three individuals. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that climate change affects human health and well-being and is a critical public health problem. While investments in mitigation relating to infrastructure to reduce carbon emissions or prepare for sea level rise are sound, there has been insufficient activity focusing on adaptation, specifically for human health. Additionally, climate change makes many existing diseases and conditions worse and may also help introduce new pests and pathogens into new regions or communities. The most vulnerable people, such as children, the elderly, the poor, and those with underlying health conditions, are at increased risk for health effects from climate change, all of which will begin to further stress the health care infrastructure, financial systems, and delivery systems. This measure ensures that there is statewide coordination and planning in the implementation of adaptation goals, principles, and policies relating to climate change impacts on human health.

Your Committees have amended this measure by:

- (1) Inserting an appropriation amount of \$165,000 for fiscal year 2020-2021 for the establishment of one full-time equivalent (1.0 FTE) permanent Climate Change and Human Health Adaptation Coordinator position and other operating expenses; and
- (2) Inserting an effective date of July 1, 2020.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2718, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2718, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Commerce, Consumer Protection, and Health: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Nishihara, Wakai).
Agriculture and Environment: Ayes, 5; Ayes with Reservations (Fevella). Noes, none. Excused, none.

SCRep. 3475 Commerce, Consumer Protection, and Health on H.B. No. 1637

The purpose and intent of this measure is to:

- (1) Repeal the ceiling for using moneys in the Civil Monetary Penalty Special Fund by the Department of Health for compliance activities approved by the Centers for Medicare and Medicaid Services; and
- (2) Appropriate funds to the Department of Health for the establishment of a Medicare administrator position.

Your Committee received testimony in support of this measure from the Department of Health and four individuals. Your Committee received comments on this measure from the Executive Office on Aging and Healthcare Association of Hawaii.

Your Committee finds that federal civil monetary penalties may be assessed on Medicare certified skilled nursing facilities by the Department of Health and Human Services Centers for Medicare and Medicaid Services and shared with states. In Hawaii, these

monetary penalties are assessed when facilities are cited for non-compliance with federal certification requirements discussed during federal recertification surveys conducted by the Department of Health's Office of Health Care Assurance.

Your Committee further finds that the Civil Monetary Penalty Special Fund was created for the deposit and expenditure of monetary penalties shared with Hawaii. The Civil Monetary Penalty Special Fund currently has a spending ceiling of \$30,000 per year, an amount that was determined during a time of infrequent and lower amounts of assessed monetary penalties. However, during recent years, the special fund balance has increased significantly. Removing the spending ceiling of the special fund and establishing a Medicare administrator position will further support the efforts by the Centers for Medicare and Medicaid Services to reduce adverse events, improve staffing quality, and improve dementia care in nursing homes.

Your Committee notes that S.B. No. 2899, S.D. 2 (Regular Session of 2020), which was previously passed by the Senate, is a substantially similar and preferable measure that also repeals the spending ceiling for monies in the Civil Monetary Penalty Special Fund for use by the Department of Health for Centers for Medicare and Medicaid-approved compliance activities.

Accordingly, your Committee has amended this measure by:

- (1) Deleting the contents of part I and inserting the contents of S.B. No. 2899, S.D. 2, a substantially similar measure, which
 - (A) Amends the Civil Monetary Penalty Special Fund statute to eliminate the spending ceiling to align with the federal Civil Money Penalty Reinvestment Program; and
 - (B) Allows the Department of Health to establish an appropriate spending ceiling through the state budget process; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1637, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1637, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Nishihara).

SCRep. 3476 Commerce, Consumer Protection, and Health on H.B. No. 1662

The purpose and intent of this measure is to:

- (1) Mandate reporting of diagnostic audiologic evaluation results of infants who do not pass the hearing screening test to the Department of Health to improve hearing follow-up treatment and support of infants; and
- (2) Update definitions and terminology related to newborn hearing screening.

Your Committee received testimony in support of this measure from the Department of Health and Executive Office on Early Learning.

Your Committee finds that the State's public health screening program helps deaf or hard of hearing children reach their developmental milestones and be language-ready for school. However, the Department of Health Newborn Hearing Screening Program does not receive diagnostic audiologic evaluation results for all newborns who do not pass newborn hearing screening. This measure ensures consistent reporting of diagnostic audiologic evaluation results for all infants who do not pass hearing screening and facilitates the appropriate follow-up and support through early intervention services.

Your Committee has amended this measure by:

- (1) Expanding reporting requirements for diagnostic audiologic evaluation results to include infants who are diagnosed as deaf or hard of hearing up to the age of three years; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1662, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1662, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Nishihara).

SCRep. 3477 Commerce, Consumer Protection, and Health on H.B. No. 2097

The purpose and intent of this measure is to:

- (1) Allow for a process to remediate any batch of cannabis or manufactured cannabis product that fails laboratory testing standards so long as any final product passes all the laboratory standards;
- (2) Authorize licensed dispensaries to manufacture and distribute edible cannabis products under certain conditions; and
- (3) Authorize licensed dispensaries to circulate, sponsor, and promote educational and scientific information and events related to cannabis.

Your Committee received testimony in support of this measure from Aloha Green Holdings Inc., Kush Bottles Hawaii, Hawai'i Cannabis Industry Association, The Drug Policy Forum of Hawai'i, and one individual. Your Committee received testimony in

opposition to this measure from the Department of Transportation, Honolulu Police Department, Maui Police Department, and one individual. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that the regulated statewide dispensary system for medical cannabis was established on July 14, 2015, as Act 241, Session Laws of Hawaii 2015, to ensure safe and legal access to medical cannabis of qualifying patients. Since then, the experience of the program indicates that improvements to the law will help to clarify its original intent by ensuring smooth administration of the law and allowing for adequate patient access based on experiences in other states.

Your Committee has amended this measure by:

- (1) Specifying that the Department of Health consider processes that may allow cannabis or manufactured cannabis products that fail testing standards to be remediated;
- (2) Clarifying the definition of “edible cannabis products”;
- (3) Authorizing the Department of Health to regulate and approve any manufactured medical cannabis products, including establishing rules related to child-resistant packaging and labeling;
- (4) Authorizing the Department of Health to allow licensed dispensaries to disseminate educational and scientific materials relating to medical cannabis and sponsor events about medical cannabis; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2097, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2097, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Nishihara).

SCRep. 3478 Commerce, Consumer Protection, and Health on H.B. No. 1633

The purpose and intent of this measure is to lower the high cost of purchasing auditory devices, including hearing aids, by:

- (1) Amending the definition of “prosthetic device” to include hearing aids and devices worn on the body;
- (2) Exempting gross receipts from the sale of auditory devices, such as hearing aids, from the general excise tax; and
- (3) Exempting gross receipts from the repair of and replacement parts for prosthetic devices from the general excise tax.

Your Committee received testimony in support of this measure from the Disability and Communication Access Board. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that most auditory devices, including hearing aids, are expensive and purchasing hearing aids may be a financial hardship for families with a deaf or hard-of-hearing child because of the need for frequent replacement. The cost of hearing aids is not covered by Medicare, and not all insurance policies provide hearing aid benefits. This measure would reduce the cost burden associated with purchasing auditory devices, such as hearing aids, as increasing affordability of auditory devices for individuals with a hearing loss is an important step toward addressing the increased risk for other cognitive issues.

Your Committee notes the testimony of the Department of Taxation expressing concerns to extend the effective date of this measure to January 1, 2021, to allow sufficient time to make the necessary form and computer system changes.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1633, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Nishihara).

SCRep. 3479 Agriculture and Environment on H.B. No. 2041

The purpose and intent of this measure is to appropriate funds to the Department of Agriculture for three full-time equivalent inspectors to perform meat inspection services.

Your Committee received testimony in support of this measure from Hawaii Cattlemen’s Council, Inc.; Hawaii Meats, LLC; Hawai’i Farm Bureau; and one individual. Your Committee received comments on this measure from the Department of Agriculture.

Your Committee finds that the State’s previous meat inspection program was discontinued in the mid-1990s due to cuts in budget and staffing mandated by the reduction in force directives. The USDA-Food Safety Inspection Service assumed responsibility for those obligations and has been performing meat inspection services statewide in Hawaii since that time. Your Committee further finds that it is not legal to combine state and federal meat inspection in any single facility. Accordingly, increasing the number of meat inspectors in the State by establishing meat inspection positions in the Department of Agriculture will promote the continued growth of the State’s livestock industries.

Your Committee has amended this measure by:

- (1) Inserting an appropriation amount of \$250,000, consistent with S.B. No. 2824, S.D. 1, the Senate companion to this measure; and

- (2) Inserting an effective date of July 1, 2020.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2041, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2041, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3480 (Joint) Commerce, Consumer Protection, and Health and Education on H.B. No. 2457

The purpose and intent of this measure is to:

- (1) Require the Department of Education to establish a safe harbor program by which persons under twenty-one years of age may dispose of electronic smoking devices in their possession;
- (2) Require public school teachers and educators to confiscate electronic smoking devices;
- (3) Ban the sale of flavored tobacco products, prohibit the mislabeling of e-liquid products containing nicotine, and establish fines and penalties for violations, beginning on January 1, 2021;
- (4) Amend the fines for the purchase or possession of tobacco products and electronic smoking devices by persons under twenty-one years of age; and
- (5) Authorize a court to impose, as a penalty on a person eighteen to twenty-one years of age who is convicted of purchase or possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine.

Your Committees received testimony in support of this measure from the Department of Health; Office of the Prosecuting Attorney, County of Hawai'i; Maui Police Department; Honolulu Police Department; Hawaii Substance Abuse Coalition; HIPHI Youth Council; Hawai'i Public Health Institute; Hawai'i Pacific Health; Blue Zones Project; Hawaii Youth Services Network; The Man Cave; Pono Hawai'i Initiative; Filipino Women's Civic Club Foundation of Hawaii; Hawai'i Primary Care Association; Pediatric Therapies Hawaii; Shaka Tea; We Are One, Inc.; Hui No Ke Ola Pono; American Academy of Pediatrics, Hawaii Chapter; The Friends of Kamalani and Lydgate Park; University of Hawaii Student Health Advisory Council; Pioneering Healthier Communities Initiative; Hawai'i Children's Action Network Speaks!; American Cancer Society Cancer Action Network; West Hawaii Community Health Center; Hawaii State Teachers Association; Flavors Hook Kids Hawai'i; Kapi'olani Smokefree Families; Kamehameha Schools; Windward Nazarene Academy; Maui Preparatory Academy; St. Andrew's Schools; Doris Todd Christian Academy; Maui Christian Academy; Maui Adventist School; Waldorf School; Holy Nativity School; Mid-Pacific; Damien Memorial School; Hawai'i Community Foundation; Ken's Towing Service, Inc.; Filipino Nurses Organization of Hawaii; American Heart Association; Hawaii Dental Association; First United Methodist Church of Honolulu; Chamber of Commerce Hawaii; members of various native Hawaiian organizations; and one hundred fifteen individuals. Your Committees received testimony in opposition to this measure from Irie Hawaii; Vape Kings LLC; Cigar Association of America, Inc.; HI Lyfe Vaporz, LLC; R Street Institute; Retail Merchants of Hawaii; The Shop 808; and sixty-seven individuals. Your Committees received comments on this measure from the Department of Education, Department of the Attorney General, and Hawaii Food Industry Association.

Your Committees find that there has been a dramatic increase in the use of electronic smoking devices by Hawaii's youth and that a significant driver of this increase is the availability of flavored products. The tobacco industry and electronic smoking device industry have significantly increased the introduction and marketing of flavored non-cigarette tobacco products for electronic smoking devices. Adding flavors to tobacco changes the taste and reduces the harshness of the otherwise unflavored tobacco product, making smoking more appealing and easier for beginners to try. Therefore, to ensure the health and safety of consumers, especially youth and teenagers, it is necessary to further regulate the electronic smoking device industry, particularly the sale of flavored non-cigarette tobacco products.

Your Committees note that S.B. No. 2538, S.D. 1 (Regular Session of 2020), which was previously passed by the Senate, is a substantially similar measure related to prohibiting the sale and distribution of all flavored tobacco products in the State.

Accordingly, your Committees have amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 2538, S.D. 1, which:
 - (A) Bans the sale of flavored tobacco products;
 - (B) Prohibits the mislabeling of e-liquid products containing nicotine;
 - (C) Establishes fines and penalties for violations;
 - (D) Authorizes a court to impose, as a penalty on a person eighteen to twenty-one years of age who is convicted of possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine; and
 - (E) Requires a parent or guardian of a minor to select from among the penalties for a minor convicted of possession of a tobacco product or electronic smoking device;
- (2) Clarifying the definitions of "electronic smoking device", "e-liquid", and "tobacco product"; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2457, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2457, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 7. Noes, none. Excused, none.

Education: Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Kim).

SCRep. 3481 Commerce, Consumer Protection, and Health on H.B. No. 1882

The purpose and intent of this measure is to:

- (1) Clarify the powers and duties of nondepository trust companies;
- (2) Amend the yearly assessment on nondepository trust companies by basing its calculation on total assets under management; and
- (3) Establish a paid-in capital and surplus requirement for chartering nondepository trust companies.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs and CSI Trust Company.

Your Committee finds that nondepository trust companies provide fiduciary oversight for consumers who do not have friends or family members to manage their assets or whose assets do not qualify for asset management by banks or large investment firms. This measure establishes an assessment structure that is appropriate to supervise and examine nondepository trust companies, which can provide a secure alternative to kupuna and other individuals unserved or underserved in Hawaii's community.

Your Committee has amended this measure by:

- (1) Deleting the duplicative definition of "assets under management" that would have been inserted into section 412:8-101, Hawaii Revised Statutes, as the term is already defined in section 3 of the measure;
- (2) Inserting an effective date of July 1, 2020; and
- (3) Making technical, nonsubstantive amendments for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1882, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1882, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Nishihara).

SCRep. 3482 Commerce, Consumer Protection, and Health on Gov. Msg. No. 541

Recommending that the Senate advise and consent to the nomination of the following:

PUBLIC UTILITIES COMMISSION

G.M. No. 541 LEODOLOFF ASUNCION, JR., for a term to expire 06-30-2026

Your Committee reviewed the personal history, resume, and statement submitted by Leodoloff Asuncion, Jr. for service on the Public Utilities Commission.

Your Committee received testimony in support of the nomination for the reappointment of Leodoloff Asuncion, Jr. from the Office of the Governor; Department of Business, Economic Development, and Tourism; Hawaii State Energy Office; Department of Agriculture; Department of Labor and Industrial Relations; SanHi Government Strategies; Hawai'i Gas; Hawaii Clean Power Alliance; Hawaii Public Utilities Commission; Capitol Consultants of Hawaii; and nineteen individuals. Your Committee received testimony in opposition to the nomination for the reappointment of Leodoloff Asuncion, Jr. from one individual.

Upon review of the testimony, your Committee finds that Mr. Asuncion's background, knowledge, and proven leadership qualify him for reappointment to the Public Utilities Commission. Mr. Asuncion has a Bachelor of Arts degree in Political Science and a Master of Urban and Regional Planning degree from the University of Hawaii. Mr. Asuncion also has a Master of Business Administration degree from Hawaii Pacific University. Mr. Asuncion has served on the Public Utilities Commission since May 2019. Your Committee notes that Mr. Asuncion has nearly thirty years of experience in planning, policy analysis, and management in the State. Prior to his confirmation last year, Mr. Asuncion served in various roles at the Office of Planning, including serving as Director and Interim Director, where he oversaw management, administration, and operations of the Planning Division and was responsible for a number of programs and the Special Plans Branch. Additionally, as the Director of the Office of Planning, Mr. Asuncion represented the Office of Planning before the Hawaii Congressional Delegation, State Legislature, and various decision-making bodies. Before serving as the Interim Director, Mr. Asuncion served as the manager of the Hawaii Coastal Zone Management Program at the Office of Planning.

Prior to joining the Office of Planning, Mr. Asuncion spent several years handling resource planning in the private sector, including serving as a Senior Regulatory Analyst and Senior Integrated Resource Planning Analyst for Hawaiian Electric Company, Inc., and as a Project Planner/Manager for SSFM International, Inc. Mr. Asuncion also previously worked as a planner for the Hawaii State Judiciary and for the State Land Use Commission. Mr. Asuncion is active in a number of state and national boards and associations, including the American Planning Association where he serves as President-Elect. As a member of the National Board of Directors for

the American Planning Association, Mr. Asuncion is able to share, on a national platform, how Hawaii is leading its energy transformation and implementing emerging best practices to better inform the State's energy transition.

Testifiers commented that Mr. Asuncion's service on the Public Utilities Commission, his understanding of planning, economics, and regulatory and fiscal principles will continue to be an asset to the Public Utilities Commission. Mr. Asuncion's broad background in different areas of planning provides the Public Utilities Commission with a diverse perspective on ensuring public benefits from regulated industries. Mr. Asuncion is also aware of the need for action to address our climate crisis through timely climate mitigation, such as achieving our one hundred percent renewable energy mandate.

Your Committee notes from Mr. Asuncion's personal statement that, during his next term, Mr. Asuncion intends to implement and evaluate a performance-based regulation framework. He also hopes to assist in ensuring the State is on pace to achieve its next milestone goal of the Renewable Portfolio Standards as well as ensuring that Hawaii's public utilities are operating at a high-level of sustained efficiency and providing programs that benefit the public.

Your Committee notes that Mr. Asuncion's extensive urban planning background, leadership skills, and thorough understanding of regulatory requirements will continue to be an asset to the Public Utilities Commission and to Hawaii residents. Your Committee therefore recommends that Mr. Asuncion be reappointed to the Public Utilities Commission based on his knowledge, background, and dedication to serving in the public's best interest.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 3483 Commerce, Consumer Protection, and Health on Gov. Msg. No. 534

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY

G.M. No. 534 BRIAN CHEN, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by Brian Chen for service on the Board of Speech Pathology and Audiology.

Your Committee received testimony in support of the nomination for the appointment of Brian Chen from the Department of Commerce and Consumer Affairs and three individuals.

Upon review of the testimony, your Committee finds that Dr. Chen's experience, knowledge, and desire to serve the community qualify him to be nominated for appointment to the Board of Speech Pathology and Audiology. Dr. Chen received his Hawaii medical license in 2018 when his service as a U.S. Army medical corps major brought him to the State. Dr. Chen is currently the attending surgeon of otology and neurotology at Tripler Army Medical Center. Previously, Dr. Chen served as Chief of the Ear, Nose, and Throat Clinic and the Director of the Cochlear Implant Program at the William Beaumont Army Medical Center in El Paso, Texas. Your Committee notes that Dr. Chen is board certified by the American Board of Otolaryngology, and holds certifications in general otolaryngology and neurotology. Your Committee further notes that Dr. Chen serves on a number of professional associations, including the American Academy of Otolaryngology, American Neurotology Society, and the Society of Military Otolaryngologists. Your Committee further finds that Dr. Chen has a thorough understanding of the role and responsibilities of board members and his ability to provide insight from a board-certified medical doctor perspective will be a valuable asset to the Board of Speech Pathology and Audiology. Your Committee therefore recommends that Dr. Chen be appointed to the Board of Speech Pathology and Audiology based on his knowledge, experience, and desire to contribute to the community.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 3484 Commerce, Consumer Protection, and Health on Gov. Msg. No. 535

Recommending that the Senate advise and consent to the nomination of the following:

HAWAI'I BOARD OF CHIROPRACTIC

G.M. No. 535 JAMES PLEISS, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by James Pleiss for service on the Hawai'i Board of Chiropractic.

Your Committee received testimony in support of the nomination for the appointment of James Pleiss from the Department of Commerce and Consumer Affairs and one individual.

Upon review of the testimony, your Committee finds that Dr. Pleiss' experience, knowledge, and prior experience on the Hawai'i Board of Chiropractic qualify him for appointment to the Hawai'i Board of Chiropractic as a chiropractor member. Your Committee notes that Dr. Pleiss has been a licensed chiropractor in Hawaii since 1983 and is a board-certified chiropractic orthopedist. Your

Committee further notes that Dr. Pleiss is actively engaged in his community and profession. Dr. Pleiss previously served two terms on the Hawai'i Board of Chiropractic and concluded his second term as vice-chairperson in 2019. Dr. Pleiss has also served on the board of directors of the Hawaii State Chiropractic Association as president, vice president, and treasurer, and currently serves as the Maui Island director, and has been an examiner for the National Board of Chiropractic Examiners since 2012. Your Committee finds that Dr. Pleiss' prior experience on the Hawai'i Board of Chiropractic and his experience working in a clinical setting on Maui will continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. Pleiss be appointed to the Hawai'i Board of Chiropractic based on his background, experience, and demonstrated commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 3485 Commerce, Consumer Protection, and Health on Gov. Msg. No. 538

Recommending that the Senate advise and consent to the nomination of the following:

HAWAI'I MEDICAL BOARD

G.M. No. 538 FRANKLIN DAO, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Franklin Dao for service on the Hawai'i Medical Board.

Your Committee received testimony in support of the nomination for the reappointment of Franklin Dao from the Hawai'i Medical Board, The Queen's Health Systems, and two individuals.

Upon review of the testimony, your Committee finds that Dr. Dao's experience, knowledge, and proven leadership on the Hawai'i Medical Board qualify him for reappointment to the Hawai'i Medical Board as a physician member from Oahu. Dr. Dao has been a licensed physician in Hawaii since 1997, has been board-certified in obstetrics and gynecology since 2003, and is currently in private practice with TTNYD&D, Ob/Gyn, Inc. Dr. Dao has served as Assistant Vice Chief of The Queen's Medical Center Department of Obstetrics/Gynecology and is currently the chairperson of the Perinatal Committee for the Department of Obstetrics and Gynecology at The Queen's Medical Center. Dr. Dao also holds a clinical faculty position with the University of Hawaii's Department of Obstetrics and Gynecology and is a trainer and mentor for physicians completing their graduate medical education. Your Committee further notes that Dr. Dao has been serving on the Hawai'i Medical Board since 2017 and his insight and experience will continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. Dao be reappointed to the Hawaii Medical Board based on his knowledge, experience, and desire to contribute to his community.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 3486 Commerce, Consumer Protection, and Health on Gov. Msg. No. 544

Recommending that the Senate advise and consent to the nomination of the following:

STATE BOARD OF BARBERING AND COSMETOLOGY

G.M. No. 544 MARGARET WILLIAMS, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Margaret Williams for service on the State Board of Barbering and Cosmetology.

Your Committee received testimony in support of the nomination for the reappointment of Margaret Williams from the Board of Barbering and Cosmetology.

Upon review of the testimony, your Committee finds that Ms. Williams' experience, knowledge, and proven leadership on the State Board of Barbering and Cosmetology qualify her to be nominated for reappointment to the State Board of Barbering and Cosmetology as a barber member. Your Committee notes that Ms. Williams has nearly fifty years of experience in the industry and has been a licensed barber in Hawaii since 1974. Ms. Williams has been employed with the Honolulu Barber School since 1971 and is also currently the President of the Hawaii Institute of Hair Design. Your Committee further notes that Ms. Williams has served on the State Board of Barbering and Cosmetology since 2016 and her extensive experience as a licensed barber and instructor evidence her desire to contribute to her profession. Ms. Williams' reappointment will ensure continuity of the State Board of Barbering and Cosmetology's efforts to update its licensing rules and to effectively oversee the practice of barbering and cosmetology in the State. Your Committee therefore recommends that Ms. Williams be reappointed to the State Board of Barbering and Cosmetology based on her experience, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 3487 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 512 and 513

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF ACUPUNCTURE

G.M. No. 512 DEBORAH MCMENEMY, for a term to expire 06-30-2024; and

G.M. No. 513 JONI KROLL, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Deborah McMenemy and Joni Kroll for service on the Board of Acupuncture.

Deborah McMenemy

Your Committee received testimony in support of the nomination for the reappointment of Deborah McMenemy from the Board of Acupuncture, Hawaii Acupuncture Association, and one individual.

Upon review of the testimony, your Committee finds that Dr. McMenemy's background, experience, and proven leadership on the Board of Acupuncture qualify her for reappointment to the Board of Acupuncture as a licensed acupuncturist member. Your Committee notes that Dr. McMenemy has been a licensed acupuncturist in Hawaii since 2010 and is currently employed by Wailuku Community Acupuncture, where she is responsible for the care of more than one thousand patients and manages all the nonprofit aspects of the corporation. Prior to obtaining her Doctor of Acupuncture and Oriental Medicine, Dr. McMenemy ran a successful construction business for twenty-seven years as its Chief Financial Officer. Your Committee further notes that Dr. McMenemy is involved with a number of other professional organizations, including the People's Organization for Community Acupuncture, National Certification Commission for Acupuncture and Oriental Medicine, and the Hawaii Acupuncture Association where she previously served as a Director. Your Committee further finds that Dr. McMenemy has served as a member of the Board of Acupuncture since 2018 and her knowledge and experience will continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. McMenemy be reappointed to the Board of Acupuncture based on her background, experience, and dedication to serving the community.

Joni Kroll

Your Committee received testimony in support of the nomination for the reappointment of Joni Kroll from the Board of Acupuncture, Institute of Clinical Acupuncture and Oriental Medicine, and two individuals.

Upon review of the testimony, your Committee finds that Dr. Kroll's experience, knowledge, and proven leadership on the Board of Acupuncture qualify her for reappointment to the Board of Acupuncture as a licensed acupuncturist member. Your Committee notes that Dr. Kroll has been a licensed acupuncturist in Hawaii since 1989 and has been in private practice with Kailua Acupuncture Clinic, LLC for thirty-one years. Your Committee further notes that Dr. Kroll is engaged in her profession and serves on a number of other professional organizations, including Acupuncturists Without Borders, American Association of Acupuncture and Oriental Medicine, and as a legislative liaison for the Hawaii Acupuncture Association where she also previously served terms on the board of directors and as Secretary and President. Your Committee finds that Dr. Kroll has served on the Board of Acupuncture since 2016, currently serves as the Board's Vice Chair, and her experience and perspective as a licensed acupuncturist in private practice continues to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. Kroll be reappointed to the Board of Acupuncture based on her experience, knowledge, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 3488 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 514 and 515

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF DENTISTRY

G.M. No. 514 JOSEPH CHU, for a term to expire 06-30-2023; and

G.M. No. 515 ANDREW TSEU, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Joseph Chu and Andrew Tseu for service on the Board of Dentistry.

Joseph Chu

Your Committee received testimony in support of the nomination for the appointment of Joseph Chu from the Board of Dentistry, Hawaii Dental Association, and three individuals.

Upon review of the testimony, your Committee finds that Dr. Chu's experience, knowledge, and commitment to public service qualify him for appointment to the Board of Dentistry as a dentist member. Your Committee notes that Dr. Chu has twenty years of experience in dentistry and has been a licensed dentist in Hawaii since 2009. In 2010, Dr. Chu founded his private practice dedicated

in endodontics in Lihue, Kauai, where he currently works. Prior to that, Dr. Chu worked as a dentist in Honolulu and Kalihi, and in New York. Your Committee further notes that Dr. Chu is engaged in his profession and has participated in several volunteer dental missions to the Philippines, Nepal, and Myanmar. Dr. Chu is also a member of a number of professional organizations, including the American Association of Endodontics and the Hawaii Dental Association, and previously served as President for the Honolulu County Dental Society and the Kauai County Dental Society. Your Committee finds that Dr. Chu has a thorough understanding of the role and responsibilities of board members and that his experience and background will be assets to the Board of Dentistry. Your Committee therefore recommends that Dr. Chu be appointed to the Board of Dentistry based on his knowledge and commitment to serving the public.

Andrew Tseu

Your Committee received testimony in support of the nomination for the appointment of Andrew Tseu from the Board of Dentistry, Hawaii Dental Association, Hui No Ke Ola Pono, and two individuals.

Upon review of the testimony, your Committee finds that Dr. Tseu's background, experience, and commitment to public service qualify him for appointment to the Board of Dentistry as a dentist member. Your Committee notes that Dr. Tseu has been a licensed dentist in Hawaii since 1999 and is currently the Hospital and Community Dental Services Branch Chief and an Administrative Hearings Officer for the Department of Health. Dr. Tseu is also a dentist for the State of Hawaii Medicaid Organ and Tissue Transplant Program. Your Committee further notes that Dr. Tseu also possesses a Juris Doctor degree and is a member of the Hawaii State Bar Association and is well-versed in Hawaii's laws surrounding dentistry. Dr. Tseu volunteers his time by attending national conferences and serving as an examiner for dental licensure exams and is also a member of several professional organizations. Your Committee finds that Dr. Tseu's legal background and experience working in the public health sector will allow him to provide a unique perspective to the Board of Dentistry. Your Committee therefore recommends that Dr. Tseu be appointed to the Board of Dentistry based on his experience, knowledge, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 3489 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 516 and 517

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF DIRECTORS OF THE HAWAI'I HURRICANE RELIEF FUND

G.M. No. 516 SCOTT EBELL, for a term to expire 06-30-2023; and

G.M. No. 517 CORY MITSUI, for a term to expire 06-30-2021

Your Committee reviewed the personal histories, resumes, and statements submitted by Scott Ebell and Cory Mitsui for service on the Board of Directors of the Hawai'i Hurricane Relief Fund.

Scott Ebell

Your Committee received testimony in support of the nomination for the appointment of Scott Ebell from the Honolulu-Pacific Federal Executive Board, Department of Commerce and Consumer Affairs, and three individuals.

Upon review of the testimony, your Committee finds that Mr. Ebell's knowledge, background, and dedication to public service qualify him to be nominated for appointment to the Board of Directors of the Hawai'i Hurricane Relief Fund. Your Committee notes that Mr. Ebell currently serves as Chief of Staff for the Federal Department of Defense POW/MIA Accounting Agency and is Chairman of the Honolulu-Pacific Federal Executive Board. Mr. Ebell is a veteran of the United States Army, has almost forty years of military and leadership experience in Hawaii, and has served in various senior positions in the civil service with the Army, Marine Corps, and Navy. Notably, during his career, Mr. Ebell established a global All-Hazards Emergency Management Program by partnering with federal, state, and local emergency management organizations to obtain mutual aid agreements. Your Committee finds that Mr. Ebell has gained considerable experience in providing exceptional leadership through multiple worldwide executive assignments and possesses a unique perspective that will be beneficial to the Board of Directors of the Hawai'i Hurricane Relief Fund. Your Committee therefore recommends that Mr. Ebell be appointed to the Board of Directors of the Hawai'i Hurricane Relief Fund based on his experience, background, and dedication to serving the public.

Cory Mitsui

Your Committee received testimony in support of the nomination for the appointment of Cory Mitsui from the Department of Commerce and Consumer Affairs, 440 International Inc., and two individuals.

Upon review of the testimony, your Committee finds that Mr. Mitsui's background and commitment to public service qualify him for appointment to the Board of Directors of the Hawai'i Hurricane Relief Fund. Your Committee notes that Mr. Mitsui has approximately twenty years of insurance and finance experience in Hawaii. Mr. Mitsui has been a managing member of Mitsui Insurance, LLC since 2003 and oversees approximately one thousand five hundred clients that include businesses and individuals for property and casualty insurance and life and health insurance. Previously, Mr. Mitsui was a Series 7 Securities licensed and certified financial planner and supervised investments and retirement plans for individuals and companies. Your Committee finds that Mr. Mitsui has a thorough understanding of the roles and responsibilities of the Board of Directors of the Hawai'i Hurricane Relief Fund and further finds that Mr. Mitsui's experience in the insurance and finance industries will be a valuable asset to the Board. Your

Committee therefore recommends that Mr. Mitsui be appointed to the Board of Directors of the Hawai'i Hurricane Relief Fund based on his knowledge and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 3490 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 518, 519, 520, and 521

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF ELECTRICIANS AND PLUMBERS

G.M. No. 518 CHARLES TANABE, for a term to expire 06-30-2023;

G.M. No. 519 SHEUNG MAN WONG, for a term to expire 06-30-2023;

G.M. No. 520 ROBERT BARRETT, for a term to expire 06-30-2023; and

G.M. No. 521 JASON TAKARA, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Charles Tanabe, Sheung Man Wong, Robert Barrett, and Jason Takara for service on the Board of Electricians and Plumbers.

Charles Tanabe

Your Committee received testimony in support of the nomination for the appointment of Charles Tanabe from the Board of Electricians and Plumbers and three individuals.

Upon review of the testimony, your Committee finds that Mr. Tanabe's background and desire to serve the community qualify him to be nominated for appointment to the Board of Electricians and Plumbers as a licensed electrician member. Your Committee notes that Mr. Tanabe has been a licensed electrician in Hawaii since 2013 and has worked for Wasa Electrical Services, Inc. for nearly fifteen years. Mr. Tanabe's extensive experience in the electrical field has enabled him to gain an excellent working knowledge of various electrical systems and components and an understanding of electrical codes, standards, and regulations. Your Committee further finds that Mr. Tanabe has served on the Board of Electricians and Plumbers on an interim basis since 2019 and has a thorough understanding of the role and responsibilities of board members. Mr. Tanabe's years of experience in the electrical trade and his familiarity with issues and concerns facing his industry will enhance the effectiveness of the Board of Electricians and Plumbers. Your Committee therefore recommends that Mr. Tanabe be appointed to the Board of Electricians and Plumbers based on his knowledge, experience, and commitment to public service.

Sheung Man Wong

Your Committee received testimony in support of the nomination for the appointment of Sheung Man Wong from the Board of Electricians and Plumbers; Plumbers and Fitters UA, Local 675; and one individual.

Upon review of the testimony, your Committee finds that Mr. Wong's knowledge, background, and dedication to public service qualify him to be nominated for appointment to the Board of Electricians and Plumbers as a licensed plumber member. Your Committee notes that Mr. Wong has been a licensed plumber in Hawaii since 2010 and has worked with Dorvin D. Leis Co., Inc. for over fourteen years. During the course of his career, Mr. Wong has worked on various commercial, residential, and mixed-use projects, and has worked as a plumber apprentice, journeyman, foreman, and supervisor, and understands the requirements for regulating electrical and plumbing professionals. Your Committee further notes that Mr. Wong also serves as an instructor for the local apprenticeship program and as an instructor for the State's continuing competency courses for licensed plumbers, which has enabled Mr. Wong to remain at the forefront of the plumbing industry and develop a familiarity with industry-related issues. Your Committee therefore recommends that Mr. Wong be appointed to the Board of Electricians and Plumbers based on his background, knowledge, and dedication to public service.

Robert Barrett

Your Committee received testimony in support of the nomination for the appointment of Robert Barrett from the Board of Electricians and Plumbers; Plumbers and Fitters UA, Local 675; and six individuals.

Upon review of the testimony, your Committee finds that Mr. Barrett's background and commitment to public service qualify him to be nominated for appointment to the Board of Electricians and Plumbers as a public member. Your Committee notes that Mr. Barrett has over thirty years of experience in the construction industry and is the President and co-owner of Coast Windows, Inc., a family owned and operated vinyl window and door manufacturer in Hawaii. Your Committee further notes that Mr. Barrett is an active participant in his community and serves as a member of eleven other boards, councils, and associations, including his role as President of the Board of Directors for the Mililani Town Association and President of the Gentry Waipio Industrial Area Association. Your Committee finds that Mr. Barrett has a thorough understanding of the roles and responsibilities of board members and that Mr. Barrett's local business acumen and deliberative experience will be an asset to the Board of Electricians and Plumbers. Your Committee therefore recommends that Mr. Barrett be appointed to the Board of Electricians and Plumbers based on his experience and commitment to public service.

Jason Takara

Your Committee received testimony in support of the nomination for the appointment of Jason Takara from the Board of Electricians and Plumbers; Plumbers and Fitters UA, Local 675; and one individual.

Upon review of the testimony, your Committee finds that Mr. Takara's experience, knowledge, and dedication to public safety and service qualify him to be nominated for appointment to the Board of Electricians and Plumbers as a public member. Your Committee notes that Mr. Takara is currently a life safety consultant for the Department of Health, and previously served for twenty-five years in the Honolulu Fire Department where he retired as captain in 2013. As part of the Honolulu Fire Department Fire Prevention Bureau, Mr. Takara oversaw the review of new building plans to ensure fire code compliance and safety. Your Committee further notes that Mr. Takara also serves on a number of other committees and associations, including the Honolulu Department of Planning and Permitting Building Board of Appeals. Your Committee finds that Mr. Takara's extensive fire safety background will be a valuable asset to the Board of Electricians and Plumbers, as he is personally familiar with the importance of regulating electrical and plumbing professionals and the role that administrative agencies serve in the regulatory process. Your Committee therefore recommends that Mr. Takara be appointed to the Board of Electricians and Plumbers based on his experience, background, and dedication to the public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 3491 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 523, 524, and 525

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF NATUROPATHIC MEDICINE

G.M. No. 523 DAVID KERN, for a term to expire 06-30-2024;

G.M. No. 524 KRISTEN COLES, for a term to expire 06-30-2024; and

G.M. No. 525 JOY KIMURA, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by David Kern, Kristen Coles, and Joy Kimura for service on the Board of Naturopathic Medicine.

David Kern

Your Committee received testimony in support of the nomination for the reappointment of David Kern from the Board of Naturopathic Medicine and three individuals.

Upon review of the testimony, your Committee finds that Dr. Kern's background, experience, and proven leadership on the Board of Naturopathic Medicine qualify him to be nominated for reappointment to the Board of Naturopathic Medicine as a licensed naturopathic physician member. Your Committee notes that Dr. Kern has been a licensed naturopathic physician since 1985 and is presently the Medical Director at Grace Health Clinic, Inc., which he also founded. Dr. Kern is also a licensed acupuncturist. Dr. Kern has a strong public service background and previously served multiple terms as a member of the Board of Naturopathic Medicine. Your Committee notes that Dr. Kern has served on the Board of Naturopathic Medicine since 2016, currently serves as the Board's chairperson, and his experience combined with his diverse background continues to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. Kern be reappointed to the Board of Naturopathic Medicine based on his knowledge, experience, and commitment to his industry and public service.

Kristen Coles

Your Committee received testimony in support of the nomination for the reappointment of Kristen Coles from the Board of Naturopathic Medicine and two individuals.

Upon review of the testimony, your Committee finds that Dr. Coles' experience, knowledge, and proven leadership on the Board of Naturopathic Medicine qualify her to be nominated for reappointment to the Board of Naturopathic Medicine as a licensed naturopathic physician member. Your Committee notes that Dr. Coles has been licensed as a naturopathic physician since 2012 and presently works as a naturopathic doctor and acupuncturist at Steelsmith Natural Health Center, providing primary care to patients of all ages. Dr. Coles also has specialty training in the areas of women's health, pain management, oncology, and pediatrics. Dr. Coles is also a member of the American Association of Naturopathic Physicians and the Hawaii Society of Naturopathic Physicians where she serves as co-chair of the legislative committee. Your Committee further finds that Dr. Coles has been a member of the Board of Naturopathic Medicine since 2018 and her experience and leadership continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. Coles be reappointed to the Board of Naturopathic Medicine based on her experience, background, and commitment to public service.

Joy Kimura

Your Committee received testimony in support of the nomination for the appointment of Joy Kimura from the Board of Naturopathic Medicine and one individual.

Upon review of the testimony, your Committee finds that Ms. Kimura's background and desire to serve the community qualify her to be nominated for appointment to the Board of Naturopathic Medicine as a public member. Your Committee notes that Ms. Kimura

presently works for the Hawaii Laborers-Employers Cooperation and Education Trust in Government Relations and Compliance and has experience conducting research and analysis with various state departments. Ms. Kimura has a personal interest in the practice of naturopathic medicine and is motivated to support safe and effective consumer access to its services. Your Committee further finds that Ms. Kimura has served as a member of the Board of Naturopathic Medicine since 2019 and has a thorough understanding of the role and responsibilities of board members. Ms. Kimura's ability to provide insight from the public's perspective and contribute her research experience will be valuable assets to the Board of Naturopathic Medicine. Your Committee therefore recommends that Ms. Kimura be appointed to the Board of Naturopathic Medicine based on her background, experience, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 3492 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 526 and 527

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF PHARMACY

G.M. No. 526 PATRICK ADAMS, for a term to expire 06-30-2023; and

G.M. No. 527 SHERI TOKUMARU, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Patrick Adams and Sheri Tokumaru for service on the Board of Pharmacy.

Patrick Adams

Your Committee received testimony in support of the nomination for the appointment of Patrick Adams from the Department of Commerce and Consumer Affairs and one individual.

Upon review of the testimony, your Committee finds that Mr. Adams' background, knowledge, and prior experience on the Board of Pharmacy qualify him to be nominated for appointment to the Board of Pharmacy as a pharmacist member. Your Committee notes that Mr. Adams has over twenty years of experience in pharmacy and is currently the Director of Pharmacy at Malama Compounding Pharmacy in Kailua-Kona. Prior to that, Mr. Adams served as a pharmacy manager in Washington and Hawaii, the Director of Pharmacy at Foodland Supermarkets, and the Community Affairs Director at the University of Hawai'i at Hilo, Daniel K. Inouye College of Pharmacy. Mr. Adams has also received additional education as a pharmacist to perform specialized duties and holds national qualifications and certificates to train pharmacists in several areas. Your Committee further notes that Mr. Adams has served on a number of professional associations, including serving as the former student president of the American Public Health Association and previously served six years on the Board of Pharmacy where he served as the Board's Vice Chair. Your Committee therefore recommends that Mr. Adams be appointed to the Board of Pharmacy based on his experience, background, and dedication to serving his community.

Sheri Tokumaru

Your Committee received testimony in support of the nomination for the reappointment of Sheri Tokumaru from the Board of Pharmacy; The Queen's Health Systems; University of Hawai'i at Hilo, Daniel K. Inouye College of Pharmacy; and one individual.

Upon review of the testimony, your Committee finds that Dr. Tokumaru's experience, knowledge, and proven leadership on the Board of Pharmacy qualify her for reappointment to the Board of Pharmacy as a pharmacist member. Your Committee notes that Dr. Tokumaru has more than twenty years of experience in the field of pharmacy. Dr. Tokumaru has been licensed as a pharmacist in Hawaii since 2001 and is a board-certified Critical Care Specialist. Dr. Tokumaru is currently the Director of Interprofessional Education and Development at the University of Hawai'i at Hilo, Daniel K. Inouye College of Pharmacy; the Residency Program Director at The Queen's Medical Center; and an Associate Professor/Clinical Pharmacist in the Neurosciences Intensive Care Unit at The Queen's Medical Center. Dr. Tokumaru is highly engaged in her profession and participates in a number of national and local professional organizations. Your Committee further finds that Dr. Tokumaru's affiliations have allowed the Board of Pharmacy to continue its collaborative relationship with the only nationally accredited pharmacy school in Hawaii and her experience and knowledge will continue to be invaluable assets to the Board. Your Committee therefore recommends that Dr. Tokumaru be reappointed to the Board of Pharmacy based on her knowledge, experience, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 3493 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 528 and 529

Recommending that the Senate advise and consent to the nominations of the following:

BOARDS OF PRIVATE DETECTIVES AND GUARDS

G.M. No. 528 ALBERT DENIS, for a term to expire 06-30-2024; and

G.M. No. 529 DOUGLAS INOUYE, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Albert Denis and Douglas Inouye for service on the Boards of Private Detectives and Guards.

Albert Denis

Your Committee received testimony in support of the nomination for the reappointment of Albert Denis from the Board of Private Detectives and Guards and two individuals.

Upon review of the testimony, your Committee finds that Mr. Denis' background, knowledge, and proven leadership on the Board of Private Detectives and Guards qualify him to be nominated for reappointment as a licensee member. Your Committee notes that Mr. Denis has been licensed as both a private detective and guard since 1985 and he is currently the president, founder, and principal guard and detective for Pacific Security Group, LLC, which provides specialized services for law firms, developers, architects, and business executives responsible for managing high-risk situations. Mr. Denis is also a consultant and subordinate principal guard licensee for the multinational firm Securitas Security Services, U.S.A., Inc. Your Committee further notes that Mr. Denis is a member of a number of other professional organizations and served two previous terms on the Board of Private Detectives and Guards, during which he served as the Board's Chair. Mr. Denis currently serves as Vice Chair of the Board of Private Detectives and Guards, is chairperson of the Board's Rules Committee, and is a member of the Board's Application Review Committee. Your Committee therefore recommends that Mr. Denis be reappointed to the Board of Private Detectives and Guards based on his experience, knowledge, and commitment to protecting and serving the public.

Douglas Inouye

Your Committee received testimony in support of the nomination for the reappointment of Douglas Inouye from the Board of Private Detectives and Guards; Kazama Enterprises, Inc.; and one individual.

Upon review of the testimony, your Committee finds that Mr. Inouye's experience, knowledge, and proven leadership on the Board of Private Detectives and Guards qualify him to be nominated for reappointment to the Board as a private member. Your Committee notes that Mr. Inouye is currently employed as corporate counsel and the director of contract services for The Queen's Health Systems. Prior to that, Mr. Inouye worked as Deputy Attorney General for the Office of the Attorney General in Hawaii and also previously worked in private practice. Your Committee further notes that Mr. Inouye is active in his community and is member of a number of other local associations and boards. Mr. Inouye has served on the Board of Private Detectives and Guards since 2016, currently serves as the Board's Chairman, and serves on the Board's Rules Committee where he reviews and proposes updates to its administrative rules. Mr. Inouye's background and insights from legal and public perspectives will continue to be assets to the Board of Private Detectives and Guards and its deliberations. Your Committee therefore recommends that Mr. Inouye be reappointed to the Board of Private Detectives and Guards based on his background, experience, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 3494 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 530, 531, and 532

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE ARCHITECTS

G.M. No. 530 JANET PRIMIANO, for a term to expire 06-30-2023;

G.M. No. 531 JAY ISHIBASHI, for a term to expire 06-30-2022; and

G.M. No. 532 MARC VENTURA, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Janet Primiano, Jay Ishibashi, and Marc Ventura for service on the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects.

Janet Primiano

Your Committee received testimony in support of the nomination for the appointment of Janet Primiano from the Department of Commerce and Consumer Affairs and two individuals.

Upon review of the testimony, your Committee finds that Ms. Primiano's background, knowledge, and dedication to public service qualify her to be nominated for appointment to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects as a public member. Your Committee notes that Ms. Primiano has nearly thirty years of experience in health care and education in Hawaii, and she is currently an instructor for the Community Health Coordinator Program at Kapiolani Community College. Your Committee further notes that Ms. Primiano also gained industry experience working with her family's business, L. Yamashiro Mason Contractor, where she communicated with other contractors, as well as engineering and architecture firms, to confirm contracts and billing. Your Committee finds that Ms. Primiano is also a dedicated public servant who participates in a number of community service and volunteer events and has served on a number of boards and organizations, including her current service as a member of the Kapahulu – Moiliili Lions Club. Your Committee further finds that Ms. Primiano has a thorough understanding of the roles and

responsibilities of board members and therefore recommends that Ms. Primiano be appointed to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects based on her experience and commitment to public service.

Jay Ishibashi

Your Committee received testimony in support of the nomination for the appointment of Jay Ishibashi from the Department of Transportation; Board of Professional Engineers, Architects, Surveyors, and Landscape Architects; and two individuals.

Upon review of the testimony, your Committee finds that Mr. Ishibashi's experience and commitment to public service qualify him to be appointed to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects as a public member. Your Committee notes that Mr. Ishibashi is currently a Program Specialist V for the Department of Labor and Industrial Relations. Prior to that, Mr. Ishibashi held a number of other positions with the State and City and County of Honolulu, including Employee Representative for the Hawaii Government Employees Association, Executive Assistant to the Mayor for the City and County of Honolulu, Budget Analyst for the Senate Ways and Means Committee, and Senior Executive Aide for the Office of the Lieutenant Governor. Mr. Ishibashi has experience serving on other boards and commissions in the State and has a thorough understanding of the roles and responsibilities of board members. Your Committee therefore recommends that Mr. Ishibashi be appointed to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects based on his background and dedication to public service.

Marc Ventura

Your Committee received testimony in support of the nomination for the reappointment of Marc Ventura from the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects; Bow Engineering and Development, Inc.; and Shioi Construction, Inc.

Upon review of the testimony, your Committee finds that Mr. Ventura's experience, knowledge, and proven leadership on the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects qualify him for reappointment to the Board as an architect member. Your Committee notes that Mr. Ventura has approximately twenty-eight years of industry experience and has been a licensed architect in Hawaii since 1992. Mr. Ventura is the founder and principal of Marc Ventura, LLC, an architecture firm in Lihue, Kauai. Your Committee further notes that Mr. Ventura has served on the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects since 2016 and represents the Board at regional and national conferences. Mr. Ventura also participates in a number of other professional organizations, including the National Council of Architectural Registration Boards, and Director of the Kauai Housing Development Corporation. Mr. Ventura's proven leadership on the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects and his extensive knowledge will continue to be assets for the Board. Your Committee therefore recommends that Mr. Ventura be reappointed to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects based on his background, experience, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 3495 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 536 and 537

Recommending that the Senate advise and consent to the nominations of the following:

HAWAII BOARD OF VETERINARY MEDICINE

G.M. No. 536 AILEEN WADA, for a term to expire 06-30-2021; and

G.M. No. 537 CLAYTON MATCHETT, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Aileen Wada and Clayton Matchett for service on the Hawaii Board of Veterinary Medicine.

Aileen Wada

Your Committee received testimony in support of the nomination for the appointment of Aileen Wada from the Hawaii Board of Veterinary Medicine and two individuals.

Upon review of the testimony, your Committee finds that Ms. Wada's background, knowledge, and dedication to public service qualify her to be nominated for appointment to the Hawaii Board of Veterinary Medicine as a public member. Your Committee notes that Ms. Wada was a small business owner in Hawaii for nearly twenty years before she earned her real estate license and brokers license. Ms. Wada is currently employed as a real estate broker with Locations, LLC and has been with the company for nearly forty years. Ms. Wada is also actively engaged in her community, serves on a number of local neighborhood associations of apartment owners and professional real estate organizations, and volunteers at the Hawaiian Humane Society. Your Committee further notes that Ms. Wada has a thorough understanding of the roles and responsibilities of Hawaii Board of Veterinary Medicine members and that her perspective as a public member will continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Ms. Wada be appointed to the Hawaii Board of Veterinary Medicine based on her knowledge and demonstrated commitment to public service.

Clayton Matchett

Your Committee received testimony in support of the nomination for the appointment of Clayton Matchett from the Department of Commerce and Consumer Affairs and two individuals.

Upon review of the testimony, your Committee finds that Dr. Matchett's experience, background, and commitment to public service qualify him to be appointed to the Hawai'i Board of Veterinary Medicine as a veterinarian member representing Maui County. Your Committee notes that Dr. Matchett has been a licensed veterinarian in Hawaii since 1997. Dr. Matchett is also a licensed veterinarian in New Zealand, has completed specialty training as an equine veterinarian, and is a certified veterinarian acupuncturist. Dr. Matchett also served as the equine veterinarian for the Dominican Republic Pan American Games in 2003. Your Committee further notes that Dr. Matchett is a member of a number of professional associations and has a thorough understanding of the roles and responsibilities of board members. Your Committee finds that Dr. Matchett's knowledge of larger animals and international veterinary experience will provide a diverse and unique perspective to the Hawai'i Board of Veterinary Medicine. Your Committee therefore recommends that Dr. Matchett be appointed to the Hawai'i Board of Veterinary Medicine based on his experience, knowledge, and commitment to serving his community.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 3496 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 539 and 540

Recommending that the Senate advise and consent to the nominations of the following:

PEST CONTROL BOARD

G.M. No. 539 DAVID LAU, for a term to expire 06-30-2023; and

G.M. No. 540 JULIAN YATES III, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by David Lau and Julian Yates III for service on the Pest Control Board.

David Lau

Your Committee received testimony in support of the nomination for the reappointment of David Lau from the Pest Control Board, Hawaii Pest Control Association, and two individuals.

Upon review of the testimony, your Committee finds that Mr. Lau's background, knowledge, and proven experience on the Pest Control Board qualify him to be nominated for reappointment to the Pest Control Board as a licensee member. Your Committee notes that Mr. Lau has been a leader and manager in the pest control industry for over twenty years and has been a licensed pest control operator in Hawaii since 2002. Mr. Lau is currently the district manager for Rentokil North America, Inc., and prior to that, held a number of manager and sales positions with prominent pest control companies. Mr. Lau is also actively engaged in his profession and in addition to serving on the Pest Control Board has served on the Hawaii Pest Control Association in multiple capacities, including serving as Vice President, Chairperson of various committees, and Treasurer. Your Committee notes that Mr. Lau has served on the Pest Control Board since 2015 and his broad industry knowledge and experience provide a valuable perspective to the Board. Therefore, your Committee recommends that Mr. Lau be reappointed to the Pest Control Board based on his knowledge, experience, and commitment to public service.

Julian Yates III

Your Committee received testimony in support of the nomination for the reappointment of Julian Yates III from the Pest Control Board, Hawaii Pest Control Association, and three individuals.

Upon review of the testimony, your Committee finds that Dr. Yates' knowledge, experience, and proven leadership on the Pest Control Board qualify him for reappointment to the Pest Control Board as a public member. Your Committee notes that Dr. Yates has more than forty years of experience as a researcher and extension specialist in urban pest management specializing on termites in Hawaii, including the most destructive Formosan subterranean termite. Dr. Yates is widely recognized as an expert on termite and structural pest control and has discovered and developed effective controls against termites in Hawaii that have saved millions of dollars to homes and buildings in the State. Your Committee further notes that Dr. Yates served as an ex-officio member of the Pest Control Board for twenty-three years before retiring from the University of Hawaii's Department of Plant and Environmental Protection Sciences, College of Tropical Agriculture and Human Resources. Dr. Yates was appointed to the Pest Control Board as a public member in 2016 and his extensive knowledge and invaluable insight will continue to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. Yates be reappointed to the Pest Control Board based on his experience, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 3497 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 542 and 543

Recommending that the Senate advise and consent to the nominations of the following:

REAL ESTATE COMMISSION

G.M. No. 542 DERRICK YAMANE, for a term to expire 06-30-2023; and

G.M. No. 543 NIKKI SENTER, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Derrick Yamane and Nikki Senter for service on the Real Estate Commission.

Derrick Yamane

Your Committee received testimony in support of the nomination for the appointment of Derrick Yamane from the Hawaii Real Estate Commission and two individuals.

Upon review of the testimony, your Committee finds that Mr. Yamane's experience, background, and commitment to public service qualify him for appointment to the Hawaii Real Estate Commission as a broker member. Your Committee notes that Mr. Yamane has been a partner and real estate broker for Locations, LLC, the largest locally owned real estate company in Hawaii, since 1991 where he oversees and supervises over three hundred real estate agents and reviews and approves purchase contracts and listing agreements. During the nearly thirty-year course of Mr. Yamane's career, he has gained broad experience and knowledge about the real estate industry and profession and the importance of consumer protection in real estate transactions. Your Committee further notes that Mr. Yamane has served as an interim member of the Hawaii Real Estate Commission since 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. Yamane be appointed to the Hawaii Real Estate Commission based on his knowledge, experience, and commitment to public service.

Nikki Senter

Your Committee received testimony in support of the nomination for the appointment of Nikki Senter from the Department of Commerce and Consumer Affairs, Real Estate Commission, Associa Hawaii, and eleven individuals.

Upon review of the testimony, your Committee finds that Ms. Senter's background, knowledge, and prior experience on the Real Estate Commission qualify her for appointment to the Real Estate Commission as a public member. Your Committee notes that Ms. Senter has been practicing real estate and development law in Hawaii for nineteen years and is currently the senior assistant general counsel of real estate for The Howard Hughes Corporation. Your Committee further notes that Ms. Senter previously served on the Real Estate Commission for seven years and was Chair during her second term. In addition to her prior service on the Real Estate Commission, Ms. Senter was a condominium consultant for the Commission and is actively engaged in her community, serving on a number of other boards and associations. Your Committee finds that Ms. Senter has a thorough understanding of the roles and responsibilities of members and that her professional and legal experience will continue to enhance the effectiveness of the Real Estate Commission. Your Committee therefore recommends that Ms. Senter be appointed to the Real Estate Commission based on her experience, knowledge, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 3498 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 545, 546, and 547

Recommending that the Senate advise and consent to the nominations of the following:

STATE BOARD OF NURSING

G.M. No. 545 AMY STONE MURAI, for a term to expire 06-30-2024;

G.M. No. 546 BENJAMIN RAMOS, for a term to expire 06-30-2024; and

G.M. No. 547 JOMEL DULDULAO, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Amy Stone Murai, Benjamin Ramos, and Jomel Duldulao for service on the State Board of Nursing.

Amy Stone Murai

Your Committee received testimony in support of the nomination for the reappointment of Amy Stone Murai from the State Board of Nursing and one individual.

Upon review of the testimony, your Committee finds that Ms. Stone Murai's experience, knowledge, and proven leadership on the State Board of Nursing qualify her for reappointment to the State Board of Nursing as a licensee member. Your Committee notes that Ms. Stone Murai has forty-five years of experience in nursing and has been licensed as a Registered Nurse in Hawaii since 1989 and as an Advance Practice Registered Nurse since 1999. Ms. Stone Murai worked as a Clinical Research Nurse Coordinator with the Kaiser Permanente Center for Health Research in Hawaii for sixteen years, and before that served as Clinical Coordinator and a Nurse Practitioner. Your Committee further finds that Ms. Stone Murai previously served on the State Board of Nursing from 2008 to 2014, where she was instrumental in crafting the scope of practice for advance practice registered nurses in Hawaii. Ms. Stone Murai's nursing and administrative experience, as well as her in-depth knowledge of nursing laws and rules, will continue to be assets to the State Board of Nursing. Your Committee therefore recommends that Ms. Stone Murai be reappointed to the State Board of Nursing based on her experience, knowledge, and commitment to public service.

Benjamin Ramos

Your Committee received testimony in support of the nomination for the appointment of Benjamin Ramos from the Department of Commerce and Consumer Affairs and three individuals.

Upon review of the testimony, your Committee finds that Mr. Ramos's background and dedication to serving the public qualify him to be appointed to the State Board of Nursing as a registered nurse member. Your Committee notes that Mr. Ramos has been a health care professional since 2001 and a licensed Registered Nurse in Hawaii since 2012. Mr. Ramos is currently the regional director of wound care operations for Avalon Care Group - Hawaii Region. Previously, Mr. Ramos was a certified nursing assistant, patient care technician, charge nurse, wound nurse/supervisor, and CPR instructor for Ann Pearl Rehabilitation and Healthcare. Your Committee finds that Mr. Ramos has a thorough understanding of the role and responsibilities of board members and his extensive experience in nursing will continue to enhance the effectiveness of the State Board of Nursing. Your Committee therefore recommends that Mr. Ramos be appointed to the State Board of Nursing based on his knowledge, background, and dedication to public service.

Jomel Duldulao

Your Committee received testimony in support of the nomination for the reappointment of Jomel Duldulao from the State Board of Nursing; Caregiver's Heart Hawaii, LLC; and two individuals.

Upon review of the testimony, your Committee finds that Mr. Duldulao's background, dedication to serving the public, and experience on the State Board of Nursing qualify him to be reappointed to the State Board of Nursing as a public member. Your Committee notes that Mr. Duldulao is currently the Patient Experience Manager at Queens Health Systems. Mr. Duldulao previously served as Director of Community Relations for Bristol Hospice Hawaii, LLC where he advocated for patients and their families experiencing advanced disease or terminal diagnoses, and prior to that, worked in pharmaceutical sales for approximately ten years. Your Committee finds that Mr. Duldulao has been a member of the State Board of Nursing since 2016 and during his previous term represented the Board at the National Council of State Boards of Nursing, which enabled him to liaise with public and industry members from around the world. Your Committee further finds that Mr. Duldulao's experience and perspective as a public member will continue to enhance the effectiveness of the State Board of Nursing. Your Committee therefore recommends that Mr. Duldulao be reappointed to the State Board of Nursing based on his experience, knowledge, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 3 (Ruderman, Thielen, Fevella).

SCRep. 3499 Ways and Means on H.B. No. 117

The purpose and intent of this measure is to make technical amendments to the state law regarding the deposit of state funds into the state treasury.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1 of this measure, which amends this measure by deleting its contents and inserting language to defer the implementation of the Commission on Salaries' recommendations for the executive and judicial branches, and planned adjustments for the Legislature, until July 1, 2021.

Your Committee received testimony in support of the proposed S.D. 1 from the Office of the Governor and Judiciary.

Your Committee finds that the global respiratory disease pandemic named "coronavirus disease 2019", or COVID-19, has deeply impacted Hawaii's health and economy. The adjusted fiscal year 2021 forecast includes an expected loss of \$225,000,000 in state revenues. Your Committee further finds that, as constitutionally required, the Commission on Salaries convened and reported to the Legislature in 2019 the recommended increased salary adjustments for officers of the executive and judicial branches for the following six years and members of the Legislature for four years. Implementation of the Commission's salary recommendations began for the executive and judicial branches on July 1, 2019, with the second of six planned raises for the executive and judicial branches scheduled for July 1, 2020. The first recommended raise for members of the Legislature is scheduled for January 1, 2021. Due to the unprecedented economic downturn resulting from the COVID-19 pandemic, your Committee believes that continued implementation of the Commission's recommendations for the executive and judicial branches, and planned adjustments for the Legislature, is irresponsible at this time and should be deferred.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 117, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 117, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3500 (Joint) Government Operations and Labor, Culture and the Arts on H.B. No. 2533

The purpose and intent of this measure is to appropriate \$500,000 to develop a State Archives Master Plan to address current and future needs, including expansion and creation of new collections processing and storage, administrative, public research, exhibition, and community engagement spaces.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services, The Queen's Health Systems, Council for Native Hawaiian Advancement, Native Hawaiian Chamber of Commerce, Kamehameha Schools, Bishop Museum, 'Aha Pūnana Leo, Papa Ola Lōkahi, Mālama 'Āina Foundation, Partners in Development Foundation, Honolulu Remote Operation Center/Family Search, Nā Hawai'i 'Imi Loa Hui Haumāna, and three individuals.

Your Committees find that with the increase in the number of partners and stakeholders in a State Archives Master Plan, there is extended interest in adding a potential information/visitors' center, museum, conference center, and even a preschool to form a Hawaiian History Learning Center at the planned facility. According to testimony received by your Committees, the Department of Accounting and General Services recommends, based on similar master plans, an appropriation of \$1,000,000 to enable a wider study of this potential facility and to address all the concerns and ideas from stakeholders.

Your Committees have amended this measure by:

- (1) Inserting an appropriation amount of \$1,000,000; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees recommend that the State Archives inform the Committee on Ways and Means as to which proposed projects within the master plan are shovel-ready and can move forward immediately, if approved, and which require planning and design before construction.

As affirmed by the records of votes of the members of your Committees on Government Operations and Labor, Culture and the Arts that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2533, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2533, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3501 Government Operations on H.B. No. 2124

The purpose and intent of this measure is to:

- (1) Prohibit certain state officials and employees from representing certain private interests before the State for twelve months after termination from their respective state positions; and
- (2) Specify that the prohibition against disclosing any information not available to the public or using the information for personal gain or benefit applies even to those who were employed by the State for less than one hundred eighty-one days.

Your Committee received testimony in support of this measure from the Hawaii State Ethics Commission, Common Cause Hawaii, and seven individuals.

Your Committee finds that under current law, former legislators and high ranking public officials are prohibited from representing others for compensation on matters the legislator or former official participated in as a legislator or officer, or took official action on as a legislator or public official within twelve months of leaving their public office. The current law, however, does not prevent these former public officials from representing a client for compensation by representing the private client before all divisions of the state executive or legislative branches at any level.

Your Committee has amended this measure by:

- (1) Clarifying that section 84-18(a), Hawaii Revised Statutes, regarding maintaining confidentiality of information, applies to former State employees of any length of time;
- (2) Clarifying that sections 84-18(b) through (e), Hawaii Revised Statutes, regarding prohibiting the revolving door policy on lobbying, applies to former State employees who have worked a minimum of 181 days and every Executive Director, Director or Administrator of a board, authority, or commission enumerated in section 84-17(d), Hawaii Revised Statutes; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2124, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2124, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

SCRep. 3502 (Joint) Transportation and Commerce, Consumer Protection, and Health on H.B. No. 2162

The purpose and intent of this measure is to protect consumers from predatory towing practices by:

- (1) Clarifying the fees tow companies may charge;
- (2) Clarifying the duties of a tow company when a vehicle owner arrives on the scene while the vehicle is in the process of being hooked up;
- (3) Requiring tow and storage companies to accept credit cards;
- (4) Subjecting any violation of the towing statute to the penalties and remedies under the State's unfair or deceptive acts or practices law; and

(5) Adding definitions for clarity.

Your Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Young Progressives Demanding Action, and two individuals. Your Committees received testimony in opposition to this measure from Honolulu Towing, Inc.

Your Committees find that predatory towing is a combination of various unethical practices used by some towing companies to maximize their income. These practices include using spotters to get cars towed almost as soon as they are parked; charging excessive fees for towing or storage; or making private side deals with owners of stores or parking lots to maximize towing income. Your Committees further find that any of these practices can result in unfair and excessive charges for the vehicle owner. This measure amends the current towing law to provide more protections for vehicle owners whose vehicles are being or have been towed.

As affirmed by the records of votes of the members of your Committees on Transportation and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2162, H.D. 2, and recommend that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Ruderman, Thielen).

SCRep. 3503 Transportation on S.R. No. 12

The purpose and intent of this measure is to request the United States Congress to authorize the National Transportation Safety Board to adopt and enforce regulations for increased safety standards for helicopters and small aircraft that charge fees for carrying passengers on recreational flights.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that there have been two fatal aircraft crashes in Hawaii since April 2019. Your Committee further finds that under federal law, the Federal Aviation Administration has the authority to prescribe regulations on the flight of aircraft, including protecting individuals and property on the ground and preventing collisions. Following several recent crashes in Hawaii, the National Transportation Safety Board urged the Federal Aviation Administration to increase regulations for aircraft and air tour operators. However, the Federal Aviation Administration has declined to make changes to improve the safety of charter flights and parachuting service operations as recommended by the National Transportation Safety Board. Your Committee finds that the National Transportation Safety Board's recommended regulations for charter flights and parachuting service operations are necessary to address the increasing safety risks and fatalities caused by these types of for-hire tour operations; however, only Congress may grant authority to the National Transportation Safety Board to adopt and enforce safety regulations.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 12 and recommends that it be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3504 (Joint) Government Operations and Labor, Culture and the Arts on S.R. No. 66

The purpose and intent of this measure is to request the Legislative Reference Bureau to conduct a study on the feasibility of enacting statutory authority to collectively negotiate between the physicians and health care insurers in Hawaii.

Your Committee received testimony in support of this measure from two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Medical Service Association.

Your Committees find that this measure aims for an improved and stronger contractual relationship between physicians and insurers, as well as stronger and more coherent programs aimed at improving access to care for the people of Hawaii. According to testimony received by your Committees, studying the feasibility of enacting statutory authority compliant with the Parker Immunity Doctrine to allow collective negotiation between physicians and health insurers in Hawaii may be outside the Legislative Reference Bureau's expertise. Your Committees note that Hawaii is the only state in the nation that possesses an explicit exemption from the federal Employee Retirement Income Security Act of 1974, for its Prepaid Health Care Act, codified as Chapter 393, Hawaii Revised Statutes. Your Committees further note that as a study regarding the impacts of enacting statutory authority legislation requires legal analysis, it may be more appropriate for the Department of the Attorney General to conduct the study on this matter.

Your Committees have amended this measure by:

- (1) Amending the title of the resolution to read: "REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY RELATING TO STATUTORY AUTHORITY TO ALLOW COLLECTIVE NEGOTIATION BETWEEN PHYSICIANS AND HEALTH CARE INSURERS IN HAWAII TO RESTRAIN OR BALANCE THE MONOPSONISTIC MARKET POWER OF HEALTHCARE INSURERS OVER INDEPENDENT PHYSICIANS.;"
- (2) Deleting the request for the Legislative Reference Bureau to study the feasibility of enacting a statute compliant with the Parker Doctrine in Hawaii;
- (3) Inserting language that would add to the scope of the study, whether and how adopting legislation authorizing collective negotiations between competing physicians and health benefit plans may impact Hawaii's exemption from the federal Employee Retirement Income Security Act of 1974 for its Prepaid Health Care Act; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Labor, Culture and the Arts that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 66, as amended herein, and recommend that it be referred to your Committee on Commerce, Consumer Protection, and Health, in the form attached hereto as S.R. No. 66, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3505 Transportation on S.C.R. No. 11

The purpose and intent of this measure is to request the United States Congress to authorize the National Transportation Safety Board to adopt and enforce regulations for increased safety standards for helicopters and small aircraft that charge fees for carrying passengers on recreational flights.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Office of the Mayor, County of Hawai'i; Hawaii Island Coalition Malama Pono; Windward Coalition; O'ahu Tour Helicopter Safety and Noise Inter-Action Group; and seven individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that there have been two fatal aircraft crashes in Hawaii since April 2019. Your Committee further finds that under federal law, the Federal Aviation Administration has the authority to prescribe regulations on the flight of aircraft, including protecting individuals and property on the ground and preventing collisions. Following several recent crashes in Hawaii, the National Transportation Safety Board urged the Federal Aviation Administration to increase regulations for aircraft and air tour operators. However, the Federal Aviation Administration has declined to make changes to improve the safety of charter flights and parachuting service operations as recommended by the National Transportation Safety Board. Your Committee finds that the National Transportation Safety Board's recommended regulations for charter flights and parachuting service operations are necessary to address the increasing safety risks and fatalities caused by these types of for-hire tour operations; however, only Congress may grant authority to the National Transportation Safety Board to adopt and enforce safety regulations.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 11 and recommends that it be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3506 (Joint) Government Operations and Labor, Culture and the Arts on S.C.R. No. 102

The purpose and intent of this measure is to request the Legislative Reference Bureau to conduct a study on the feasibility of enacting statutory authority to collectively negotiate between the physicians and health care insurers in Hawaii.

Your Committees received testimony in support of this measure from the Mayor of the County of Hawaii, Hawaii Medical Association, Hawaii Vision Clinic, Hawaii Physician Shortage Crisis Task Force, and nine individuals. Your Committees received testimony in opposition to this measure from the Hawaii Medical Services Association. Your Committees received comments on this measure from the Legislative Reference Bureau.

Your Committees find that this measure aims for an improved and stronger contractual relationship between physicians and insurers, as well as stronger and more coherent programs aimed at improving access to care for the people of Hawaii. According to testimony received by your Committees, studying the feasibility of enacting statutory authority compliant with the Parker Immunity Doctrine to allow collective negotiation between physicians and health insurers in Hawaii may be outside the Legislative Reference Bureau's expertise. Your Committees note that Hawaii is the only state in the nation that possesses an explicit exemption from the federal Employee Retirement Income Security Act of 1974, for its Prepaid Health Care Act, codified as Chapter 393, Hawaii Revised Statutes. Your Committees further note that as a study regarding the impacts of enacting statutory authority legislation requires legal analysis, it may be more appropriate for the Department of the Attorney General to conduct the study on this matter.

Your Committees have amended this measure by:

- (1) Amending the title of the resolution to read: "REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY RELATING TO STATUTORY AUTHORITY TO ALLOW COLLECTIVE NEGOTIATION BETWEEN PHYSICIANS AND HEALTH CARE INSURERS IN HAWAII TO RESTRAIN OR BALANCE THE MONOPSONISTIC MARKET POWER OF HEALTHCARE INSURERS OVER INDEPENDENT PHYSICIANS.";
- (2) Deleting the request for the Legislative Reference Bureau to study the feasibility of enacting a statute compliant with the Parker Doctrine in Hawaii;
- (3) Inserting language that would add to the scope of the study, whether and how adopting legislation authorizing collective negotiations between competing physicians and health benefit plans may impact Hawaii's exemption from the federal Employee Retirement Income Security Act of 1974 for its Prepaid Health Care Act; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Labor, Culture and the Arts that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 102, as amended herein, and recommend that it be referred to your Committee on Commerce, Consumer Protection, and Health, in the form attached hereto as S.C.R. No. 102, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3507 Judiciary on Gov. Msg. Nos. 611 and 612

Recommending that the Senate advise and consent to the nominations of the following:

COMMISSION ON THE STATUS OF WOMEN

G.M. No. 611 EDITH IGNACIO NEUMILLER, for a term to expire 06-30-2023; and

G.M. No. 612 STACEY MONIZ, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Edith Ignacio Neumiller and Stacey Moniz for service on the Commission on the Status of Women.

EDITH IGNACIO NEUMILLER

Your Committee received testimony in support of the nomination for the appointment of Edith Ignacio Neumiller from the Hawai'i State Commission on the Status of Women, County of Kaua'i Office of Board and Commissions, and four individuals. Your Committee received testimony in opposition to the nomination for the appointment of Edith Ignacio Neumiller from one individual.

Upon review of the testimony, your Committee finds that Ms. Neumiller's experience, background, and commitment to public service qualify her for appointment to the Commission on the Status of Women as a member from Kauai County. Your Committee notes that Ms. Neumiller has been an appointed member of the Kauai Committee on the Status of Women since 2013, where she currently serves as Secretary, and has participated in various programs and events, including the Human Trafficking Forum, Women's History Month, Breast Cancer Awareness Month, Equal Pay Proclamation, Denim Day Proclamation, and Career Day. During Ms. Neumiller's appointment, she has gained broad experience and knowledge in women's issues and has attended four annual conferences of the National Association of Commission for Women. Your Committee further notes that Ms. Neumiller has served as the Zonta Club of Kauai Past President and Secretary and currently serves as the Area 1 Director of four Hawaii Zonta Clubs. She is also a member of the Kauai Filipino Chamber of Commerce where she served as Past Director. Over the course of Ms. Neumiller's service, she has championed bringing awareness to human trafficking and other issues affecting women and girls in Hawai'i. Your Committee therefore recommends that Ms. Neumiller be appointed to the Commission on the Status of Women based on her knowledge, experience, and commitment to public service.

STACEY MONIZ

Your Committee received testimony in support of the nomination for the appointment of Stacey Moniz from the Hawai'i State Commission on the Status of Women, Hawaii Youth Services Network, and six individuals. Your Committee received testimony in opposition to the nomination for the appointment of Stacey Moniz from one individual.

Upon review of the testimony, your Committee finds that Ms. Moniz's experience, background, and commitment to public service qualify her for appointment to the Commission on the Status of Women as a member from Maui County. Your Committee notes that Ms. Moniz operates Stacey Moniz Training and Consulting, LLC and is the current Executive Director of the Maui Farm, a non-profit organization that provides housing and programs for women in transition as a result of domestic violence. She previously served as the Executive Director of Women Helping Women. During Ms. Moniz's thirty-four-year career, she has gained broad experience and knowledge about women's empowerment, mainly in the field of domestic violence, including providing training, community organizing, and expert testimony. Additionally, she serves as the current president of Soroptimists International/Maui, a service club of women working to empower women and girls through education. Your Committee therefore recommends that Ms. Moniz be appointed to the Commission on the Status of Women based on her knowledge, experience, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Judiciary that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3508 Judiciary on Gov. Msg. No. 648

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF REGISTRATION OF THE ISLANDS OF KAUAI AND NIIHAU

G.M. No. 648 DANIEL FREUND, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Daniel Freund for service on the Board of Registration of the Islands of Kauai and Niihau.

Your Committee did not receive any testimony regarding the nomination for the appointment of Daniel Freund.

Your Committee finds that Mr. Freund's background and dedication to serving the public qualify him to be appointed to the Board of Registration of the Islands of Kauai and Niihau. Your Committee notes that Mr. Freund is a retired attorney with more than twenty-five years' experience, including bankruptcy law, mediation, litigation, and appeals. He currently develops and maintains the Wiki Law Database, serves as Webmaster for the Kauai Economic Opportunity, and serves as the Treasurer of the Board of Directors of the Kawaihau Sports Villa Association of Apartment Owners. Your Committee finds that Mr. Freund has a thorough understanding of the role and responsibilities of board members and his extensive experience in fact-finding and the application of law will continue to enhance the effectiveness of the Board of Registration of the Islands of Kauai and Niihau. Your Committee therefore recommends that Mr. Freund be appointed to the Board of Registration of the Islands of Kauai and Niihau based on his knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3509 Judiciary on Gov. Msg. Nos. 677 and 678

Recommending that the Senate advise and consent to the nominations of the following:

DEFENDER COUNCIL

G.M. No. 677 CRAIG DE COSTA, for a term to expire 06-30-2023; and

G.M. No. 678 CRYSTAL GAIL GLENDON, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Craig De Costa and Crystal Gail Glendon for service on the Defender Council.

CRAIG DE COSTA

Your Committee received testimony in support of the nomination for the reappointment of Craig De Costa from three individuals. Your Committee received testimony in opposition to the nomination for the reappointment of Craig De Costa from one individual.

Upon review of the testimony, your Committee finds that Mr. De Costa's background and dedication to serving the public qualify him to be reappointed to the Defender Council. Your Committee notes that Mr. De Costa has been a practicing attorney in Hawaii since 1996. He is currently a Manager at De Costa Hempey LLC where his practice areas include criminal defense, administrative hearings, landlord-tenant disputes, debt collection, and other civil litigation. He previously spent twelve years at the Office of the Prosecuting Attorney of the County of Kauai, including previously serving as the Prosecuting Attorney of the County of Kauai from 2004 to 2008. Additionally, Mr. De Costa is active with the Kauai Bar Association, Court Annexed Arbitration Program, and County of Kauai Board of Review. Your Committee further notes that Mr. De Costa has served as a member of the Defender Council since 2016 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. De Costa be reappointed to the Defender Council based on his knowledge, background, and dedication to public service.

CRYSTAL GAIL GLENDON

Your Committee received testimony in support of the nomination for the appointment of Crystal Gail Glendon from twelve individuals. Your Committee received testimony in opposition to the nomination for the appointment of Crystal Gail Glendon from one individual.

Upon review of the testimony, your Committee finds that Ms. Glendon's background and dedication to serving the public qualify her to be appointed to the Defender Council. Your Committee notes that Ms. Glendon has been a practicing attorney in Hawaii since 2004. She is currently a solo practitioner handling criminal defense, family law, appeals, and civil litigation matters. Previously, Ms. Glendon served over fourteen years as a Deputy Public Defender in the Office of the Public Defender. Your Committee finds that Ms. Glendon has a thorough understanding of the role and responsibilities of board members and her extensive experience in criminal defense will continue to enhance the effectiveness of the Defender Council. Your Committee therefore recommends that Ms. Glendon be appointed to the Defender Council based on her knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Judiciary that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3510 Judiciary on Gov. Msg. Nos. 749 and 750

Recommending that the Senate advise and consent to the nominations of the following:

CIVIL RIGHTS COMMISSION

G.M. No. 749 JOAN LEWIS, for a term to expire 06-30-2024; and

G.M. No. 750 LIANN EBESUGAWA, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Joan Lewis and Liann Ebesugawa for service on the Civil Rights Commission.

JOAN LEWIS

Your Committee received testimony in support of the nomination for the reappointment of Joan Lewis from the Hawai'i Civil Rights Commission and four individuals.

Upon review of the testimony, your Committee finds that Ms. Lewis' background and dedication to serving the public qualify her to be reappointed to the Civil Rights Commission. Your Committee notes that Ms. Lewis has been a public educator in Hawai'i since 1989, teaching intermediate and high school levels. She is currently a board member of the Hawaii Education Association and Education Institute of Hawaii, and an examiner for the National Council for Accreditation of Teacher Education. Previously, she worked as a State Officer of the Hawaii State Teachers Association. Your Committee further notes that Ms. Lewis has served as a Commissioner on the Civil Rights Commission since 2017 and has a thorough understanding of the roles and responsibilities of its

members. Through the course of her career, Ms. Lewis has gained knowledge and experience in education, labor, and vulnerable youth issues. Your Committee therefore recommends that Ms. Lewis be reappointed to the Civil Rights Commission based on her knowledge, background, and dedication to public service.

LIANN EBESUGAWA

Your Committee received testimony in support of the nomination for the reappointment of Liann Ebesugawa from the Hawai'i Civil Rights Commission, Japanese American Citizens League, HealthyPacific.Net, and nine individuals. Your Committee received testimony in opposition to the nomination for the reappointment of Liann Ebesugawa from one individual.

Upon review of the testimony, your Committee finds that Ms. Ebesugawa's background and dedication to serving the public qualify her to be reappointed to the Civil Rights Commission. Your Committee notes that Ms. Ebesugawa has been a practicing attorney in Hawai'i since 2004. She is currently Assistant General Counsel for Hawaiian Electric industries, Inc. Previously, Ms. Ebesugawa served as Executive Director of the Hawaii State Board of Education. Additionally, she is Past President of the Japanese American Citizens League – Honolulu Chapter and currently serves on the Board of Directors, as well as actively participating in the Honolulu Chapter of the National Asian Pacific American Bar Association. Your Committee further notes that Ms. Ebesugawa has served as a Commissioner on the Civil Rights Commission since 2017, and as Chair since 2019. She has a thorough understanding of the roles and responsibilities of its members. Through the course of her career, Ms. Ebesugawa has gained knowledge and experience in business, government, law, and civil rights advocacy. Your Committee therefore recommends that Ms. Ebesugawa be reappointed to the Civil Rights Commission based on her knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Judiciary that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3511 Ways and Means on H.B. No. 2725

The purpose and intent of this measure is to appropriate supplemental funds for the capital costs of the Executive Branch for fiscal year (FY) 2019-2020 and FY 2020-2021

Testimony received on this measure can be found at the Legislature's website at <https://www.capitol.hawaii.gov/>

The Administration proposed a capital budget that totaled:

	<u>FY 2020</u>	<u>FY 2021</u>
General Obligation Bonds	\$1,022,811,000	\$972,450,000
All Means of Financing	\$2,325,781,000	\$2,624,759,000

Your Committee has amended this measure to provide the following funds:

	<u>FY 2020</u>	<u>FY 2021</u>
General Obligation Bonds	\$1,001,911,000	\$988,866,000
All Means of Financing	\$2,302,981,000	\$2,764,956,000

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2725, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2725, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, 1 (Harimoto).

SCRep. 3512 Ways and Means on H.B. No. 2200

The purpose and intent of this measure is to appropriate supplemental funds for the operating costs of the Executive Branch of the State of Hawaii for fiscal years 2019-2020 and 2020-2021.

Your Committee received testimony in support of this measure from the Hawaii State Judiciary, Department of Agriculture, University of Hawaii, Department of Public Safety, Department of Commerce and Consumer Affairs, Department of Land and Natural Resources, Department of Hawaiian Home Lands, Department of Transportation, Department of Human Services, Department of Labor and Industrial Relations, Office of Information Practices, Office of Planning, Hawaii Green Infrastructure Authority, Hawaii Community Development Authority, Hawaii State Energy Office, Kahoolawe Island Reserve Commission, Hawaii Health Systems Corporation, Special Education Advisory Council, Hawaii Youth Services Network, AAUW of Hawaii, Hawaii State Teachers Association, Maui Health System, Hawaii Children's Action Network Speaks, United Public Workers, League of Women Voters of Hawaii, University of Hawaii Alumni Association, Hawaii Kai Homeless Task Force, Democratic Party of Hawaii Education Caucus, IMUA Alliance, University of Hawaii Professional Assembly, and more than four hundred individuals.

Your Committee received testimony in opposition to this measure from the Department of Accounting and General Services, Ka Hale Pomaika'i, Kelii Foundation, and six individuals.

Your Committee received comments on this measure from the Department of Budget and Finance; Department of Business, Economic Development, and Tourism; Department of Education; Department of Health; Department of Human Resources Development; Land Use Commission; Hawaii Public Housing Authority; State Procurement Office; Governor's Coordinator on Homelessness; Executive Office on Early Learning; Hawaii State Public Library System; Early Learning Board; Hawaii Technology Development Corporation; Planned Parenthood of Hawaii Votes Northwest and Hawaii; Hawaii Women's Coalition; Hawaii Substance Abuse Coalition; Catholic Charities Hawaii; Sutter Health Kahi Mohala; Kokua Kalihi Valley; Common Cause Hawaii;

Hawaii State Coalition Against Domestic Violence; Grassroot Institute of Hawaii; Hawaii Appleseed Center for Law and Economic Justice; Domestic Violence Action Center; ACLU of Hawaii; The Salvation Army Addiction Treatment Services and Family Treatment Services; Hawaii Government Employees Association; YMCA of Honolulu-Kalihi Branch; Early Childhood Action Strategy; Hawaii Autism Foundation; and more than twenty individuals.

Your Committee finds that this budget will ensure that state government will continue to serve the people of Hawaii with fiscal certainty and fidelity during this most uncertain of economic times. Your Committee recognizes that the State is faced with declining tax revenues at the same time that our communities are suffering through record job losses, business closures, and difficulties in addressing basic needs for themselves and their families. Accordingly, your Committee dutifully assembled a budget that is fiscally prudent while being mindful not to impair the state government's ability to provide stable and dependable services statewide.

Working closely with the Committee on Finance of the House of Representatives, your Committee has established a budget that aims to avoid state employee furloughs or pay cuts, which your Committee believes would exacerbate damage to our already fragile local economy. Your Committee has also kept in mind the State's large fixed cost obligations, which alone account for fifty-one percent of the State's budget. Your Committee pursued an overall fiscal strategy that reappropriates and redirects state funds that have gone unspent and supplements or replaces them with proceeds of bond authorizations, thus freeing up cash that can be used immediately for the maintenance of state operations.

In amending this budget, your Committee has strived to ensure the following priorities:

- (1) That critical government functions remain operational during the pandemic;
- (2) That core state programs and services be maintained to ensure stability and continuity for our communities; and
- (3) That state positions and funds that have remained vacant or unused for an extended period of time be reduced.

Your Committee has amended this budget by:

- (1) Utilizing the base budget for the Executive Branch for fiscal biennium 2019-2021 as enacted in Act 5, Session Laws of Hawaii 2019;
- (2) Not including any of the Governor's supplemental budget requests;
- (3) Incorporating base budget amounts appropriated in other session laws into this measure;
- (4) Reducing all vacant positions funded through general funds; and
- (5) Reducing excess general fund appropriations for fiscal year 2019-2020, as identified by executive branch departments.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2200, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2200, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Shimabukuro).

SCRep. 3513 Ways and Means on H.B. No. 1631

The purpose and intent of this measure is to authorize the issuance of general obligation bonds and to make the constitutionally required findings that are necessary to issue the bonds.

Your Committee received testimony in support of this measure from the Department of Budget and Finance, University of Hawaii Professional Assembly, and more than one hundred individuals.

Your Committee received comments on this measure from the Hawaii Government Employees Association and Hawaii Appleseed Center for Law and Economic Justice.

Your Committee finds that on March 4, 2020, the Governor issued a proclamation declaring that the effects of the COVID-19 pandemic created an emergency situation in the State. Since then, the Governor has issued six supplemental emergency proclamations to deal with the pandemic.

Your Committee also finds that in accordance with Article VII, section 13, of the State Constitution, the total amount of principal and interest estimated for the general obligation bonds authorized under this measure, and for all bonds authorized and unissued and calculated for all bonds issued and outstanding, are reasonable. Your Committee further finds that the proceeds generated from the general obligation bonds authorized to be issued under this measure will be used to finance the fulfillment of important state objectives.

Your Committee has amended this measure by:

- (1) Finding that the debt limit of the state will be exceeded by the general obligation bonds authorized by this Act;
- (2) Inserting the appropriate dollar amounts throughout the measure as provided by the Department of Budget and Finance;
- (3) Updating the dates and measure numbers cited in the measure;
- (4) Authorizing the issuance of instruments of indebtedness, which include federal Municipal Liquidity Facility instruments, to finance any permitted purpose under:
 - (A) The Supplemental Appropriations Act of 2020; and
 - (B) Section 13(3) of the Federal Reserve Act; and

(5) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1631, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1631, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 2 (Harimoto, Shimabukuro).

SCRep. 3514 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 591, 592, 593, 594, 595, 596, 597, 598, and 599

Recommending that the Senate advise and consent to the nominations of the following:

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

G.M. No. 591 MAUREEN BATES, for a term to expire 06-30-2023;

G.M. No. 592 MICHELLE ARAKAWA, for a term to expire 06-30-2022;

G.M. No. 593 JACQUELINE INDREGINAL, for a term to expire 06-30-2023;

G.M. No. 594 VERNA WAIKIKI, for a term to expire 06-30-2021;

G.M. No. 595 VICTORIA MURRAY, for a term to expire 06-30-2020;

G.M. No. 596 VICTORIA MURRAY, for a term to expire 06-30-2024;

G.M. No. 597 TIMOTHY RENKEN, for a term to expire 06-30-2023;

G.M. No. 598 MAILE MATHEWS-PEREZ, for a term to expire 06-30-2022; and

G.M. No. 599 SANTO TRIOLO, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Maureen Bates, Michelle Arakawa, Jacqueline Indreginal, Verna Waikiki, Victoria Murray, Timothy Renken, Maile Mathews-Perez, and Santo Triolo for service on the State Council on Developmental Disabilities.

MAUREEN BATES

Your Committee received testimony in support of the nomination for the appointment of Maureen Bates from the Department of Human Services, State Council on Developmental Disabilities, and one individual.

Upon review of the testimony, your Committee finds that Ms. Bates' experience, knowledge, and dedication to public service qualify her for appointment to the Council. Your Committee notes that Ms. Bates is currently the Vocational Rehabilitation Administrator for the Department of Human Services. Ms. Bates is also a certified rehabilitation counselor, licensed mental health counselor, and has many years of experience in the field of advocating and improving services for disabled individuals. Ms. Bates has served a previous term on the State Council on Developmental Disabilities and her experience and knowledge will continue to enhance the effectiveness of the Council. Your Committee therefore recommends that Ms. Bates be appointed to the State Council on Developmental Disabilities based on her experience, knowledge, and commitment to public service.

MICHELLE ARAKAWA

Your Committee received testimony in support of the nomination for the appointment of Michelle Arakawa from the Department of Education, State Council on Developmental Disabilities, and one individual.

Upon review of the testimony, your Committee finds that Ms. Arakawa's experience, background, and commitment to public service qualify her for appointment to the State Council on Developmental Disabilities. Your Committee notes that Ms. Arakawa has twenty years of experience in education. Currently, Ms. Arakawa serves as an Educational Specialist with the Hawaii Department of Education where she provides program support for the Deaf/Hard of Hearing, Visually Impaired, and Multiple Disabled specialized programs. Your Committee further notes that Ms. Arakawa has served as an interim member of the State Council on Developmental Disabilities since October 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Ms. Arakawa be appointed to the State Council on Developmental Disabilities based on her knowledge, experience, and commitment to public service.

JACQUELINE INDREGINAL

Your Committee received testimony in support of the nomination for the appointment of Jacqueline Indreginal from the Department of Human Services, State Council on Developmental Disabilities, 'Ohana Health Plan, and one individual.

Upon review of the testimony, your Committee finds that Ms. Indreginal's experience, background, and commitment to public service qualify her for appointment to the State Council on Developmental Disabilities. Your Committee notes that Ms. Indreginal has been a registered nurse in Hawaii since 1995 and has extensive experience with Hawaii's managed care system. Your Committee further notes that Ms. Indreginal has previous experience serving on the State Council on Developmental Disabilities and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Ms. Indreginal be appointed to the State Council on Developmental Disabilities based on her knowledge, experience, and commitment to public service.

VERNA WAIKIKI

Your Committee received testimony in support of the nomination for the appointment of Verna Waikiki from the State Council on Developmental Disabilities, Hawaii Disability Rights Center, and one individual.

Upon review of the testimony, your Committee finds that Ms. Waikiki's experience, background, and commitment to public service qualify her for appointment to the State Council on Developmental Disabilities as a representative of the State Protection and Advocacy System. Your Committee notes that Ms. Waikiki is currently an advocate with the Hawaii Disability Rights Center and prior to that served as a speech pathologist for over twenty years. Your Committee further notes that Ms. Waikiki has served as an interim member of the State Council on Developmental Disabilities since July 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Ms. Waikiki be appointed to the State Council on Developmental Disabilities based on her knowledge, experience, and commitment to public service.

VICTORIA MURRAY

Your Committee received testimony in support of the nomination for the appointment and reappointment of Victoria Murray from the State Council on Developmental Disabilities, Hilo Pa'a, and one individual.

Upon review of the testimony, your Committee finds that Ms. Murray's knowledge, background, and desire to serve her community qualify her for appointment and reappointment to the State Council on Developmental Disabilities representing individuals with developmental disabilities. Your Committee notes that Ms. Murray is an owner of a local jewelry and craft business. Your Committee further notes Ms. Murray is an active member of her community and volunteers with a number of organizations, including the Salvation Army and the Hawaii Island Humane Society. Your Committee further finds that Ms. Murray has a thorough understanding of the roles and responsibilities of the members of the State Council on Developmental Disabilities and that Ms. Murray's experience will continue to enhance the effectiveness of the Council. Your Committee therefore recommends that Ms. Murray be appointed and reappointed to the State Council on Developmental Disabilities based on her background, knowledge, and desire to contribute to the community.

TIMOTHY RENKEN

Your Committee received testimony in support of the nomination for the appointment of Timothy Renken from the State Council on Developmental Disabilities and one individual.

Upon review of the testimony, your Committee finds that Mr. Renken's background and dedication to serving the public qualify him to be appointed to the State Council on Developmental Disabilities representing individuals with developmental disabilities. Your Committee notes that Mr. Renken is currently a Feeling Safe, Being Safe trainer and administrative assistant for the Center on Disability Studies. Your Committee further notes that Mr. Renken is an active volunteer in his community and is a member of a number of professional organizations, including the Hawaii Self-Advocacy Advisory Council, and served a previous term on the State Council on Developmental Disabilities. Your Committee finds that Mr. Renken has a thorough understanding of the role and responsibilities of the members of the State Council on Developmental Disabilities and his experience will continue to enhance the effectiveness of the council. Your Committee therefore recommends that Mr. Renken be appointed to the State Council on Developmental Disabilities based on his knowledge, background, and dedication to public service.

MAILE MATHEWS-PEREZ

Your Committee received testimony in support of the nomination for the appointment of Maile Mathews-Perez from the State Council on Developmental Disabilities.

Upon review of the testimony, your Committee finds that Ms. Mathews-Perez's background and dedication to serving the public qualify her to be appointed to the State Council on Developmental Disabilities in the role of a parent of an individual with a developmental disability. Your Committee notes that Ms. Mathews-Perez is a registered behavioral technician and currently works with Horizons Academy in Kihei, Hawaii. Your Committee finds that Ms. Mathews-Perez has a thorough understanding of the role and responsibilities of Council members and her experience will continue to enhance the effectiveness of the State Council on Developmental Disabilities. Your Committee therefore recommends that Ms. Mathews-Perez be appointed to the State Council on Developmental Disabilities based on her knowledge, background, and dedication to public service.

SANTO TRIOLO

Your Committee received testimony in support of the nomination for the appointment of Santo Triolo from the State Council on Developmental Disabilities and one individual.

Upon review of the testimony, your Committee finds that Dr. Triolo's experience, knowledge, and dedication to public service qualify him for appointment to the State Council on Developmental Disabilities. In his response to written questions from your Committee, Dr. Triolo indicates that he is the parent of an adult son with developmental disabilities which qualifies him to serve in the role of an individual with a family member with a developmental disability. Your Committee notes that Dr. Triolo has over thirty years of experience in psychology, has been a licensed psychologist in Hawaii since 2011, and is currently a Clinical Psychologist at Aloha Psychological Services in Kihei, Hawaii. Dr. Triolo has also served on the E Ola Hou Prevent Suicide Maui Task Force and the Maui Police Department Crisis Intervention Training Planning Committee. Your Committee further finds that Dr. Triolo has served a previous term on the State Council on Developmental Disabilities and Dr. Triolo's experience and knowledge will continue to be assets to the Council. Your Committee therefore recommends that Dr. Triolo be appointed to the State Council on Developmental Disabilities based on his experience, knowledge, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3515 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 600, 601, and 602

Recommending that the Senate advise and consent to the nominations of the following:

EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE

G.M. No. 600 MICHAEL JONES, for a term to expire 06-30-2022;

G.M. No. 601 DIAN GRUBER, for a term to expire 06-30-2022; and

G.M. No. 602 CHRIS HONDA, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Michael Jones, Dian Gruber, and Chris Honda for service on the Emergency Medical Services Advisory Committee.

MICHAEL JONES

Your Committee received testimony in support of the nomination for the appointment of Michael Jones from the Department of Health, City and County of Honolulu Emergency Services Department, Hawaii Fire Fighters Association, and two individuals.

Upon review of the testimony, your Committee finds that Mr. Jones' experience, background, and commitment to public service qualify him for appointment to the Emergency Medical Services Advisory Committee. Your Committee notes that Mr. Jones is a Fire Captain with the Honolulu Fire Department, is licensed as an advanced emergency medical technician in Hawaii, and has over sixteen years of experience as a fire fighter. Your Committee further notes that Mr. Jones has been an interim member of the Emergency Medical Services Advisory Committee since June 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. Jones be appointed to the Emergency Medical Services Advisory Committee based on his knowledge, experience, and commitment to public service.

DIAN GRUBER

Your Committee received testimony in support of the nomination for the appointment of Dian Gruber from the Department of Health and one individual.

Upon review of the testimony, your Committee finds that Ms. Gruber's experience, knowledge, and previous experience on the Emergency Medical Services Advisory Committee qualify her for appointment to the Emergency Medical Services Advisory Committee. Your Committee notes that Ms. Gruber has nearly fifty years of experience in nursing, primarily in emergency departments, and has been licensed as a registered nurse in Hawaii since 2008. Ms. Gruber recently retired from Maui Memorial Medical Center and her experience and knowledge will continue to enhance the effectiveness of the Emergency Medical Services Advisory Committee. Your Committee therefore recommends that Ms. Gruber be appointed to the Emergency Medical Services Advisory Committee based on her experience, knowledge, and commitment to public service.

CHRIS HONDO

Your Committee received testimony in support of the nomination for the appointment of Chris Honda from the Department of Health, County of Hawai'i Police Department, Hawaii Fire Fighters Association, and two individuals.

Upon review of the testimony, your Committee finds that Mr. Honda's experience, background, and commitment to public service qualify him for appointment to the Emergency Medical Services Advisory Committee as a paramedic member. Your Committee notes that Mr. Honda is currently the Battalion Chief with the Hawaii Fire Department – EMS Bureau. Mr. Honda has over twenty-five years of experience with emergency medical services across the State, and in 2009, Mr. Honda received the National Association of Emergency Medical Technicians National Paramedic of the Year award. Your Committee further notes that Mr. Honda has served as an interim member of the Emergency Medical Services Advisory Committee since June 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. Honda be appointed to the Emergency Medical Services Advisory Committee based on his knowledge, experience, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3516 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 551 and 552

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF CERTIFICATION OF OPERATING PERSONNEL IN WASTEWATER TREATMENT PLANTS

G.M. No. 551 KEVIN NAKAMURA, for a term to expire 06-30-2023; and

G.M. No. 552 ROGER BABCOCK, JR, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Kevin Nakamura and Roger Babcock, Jr. for service on the Board of Certification of Operating Personnel in Wastewater Treatment Plants.

KEVIN NAKAMURA

Your Committee received testimony in support of the nomination for the appointment of Kevin Nakamura from the Department of Health and one individual.

Upon review of the testimony, your Committee finds that Mr. Nakamura's experience, background, and commitment to public service qualify him for appointment to the Board of Certification of Operating Personnel in Wastewater Treatment Plants. Your Committee notes that Mr. Nakamura has over twenty-one years of wastewater experience and currently works as an Environmental Health Specialist with the Department of Health's Indoor and Radiological Health Branch. Mr. Nakamura also holds a Grade 4 wastewater treatment plant operator certificate. Your Committee further notes that Mr. Nakamura has served as an interim member of the Board of Certification of Operating Personnel in Wastewater Treatment Plants since October 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. Nakamura be appointed to the Board of Certification of Operating Personnel in Wastewater Treatment Plants based on his knowledge, experience, and commitment to public service.

ROGER BABCOCK, JR.

Your Committee received testimony in support of the nomination for the appointment of Roger Babcock, Jr. from the Department of Health.

Upon review of the testimony, your Committee finds that Mr. Babcock's experience, knowledge, and dedication to public service qualify him for appointment to the Board of Certification of Operating Personnel in Wastewater Treatment Plants. Your Committee notes that Mr. Babcock has been a professor of civil and environmental engineering at the College of Engineering and the Water Resources Center at the University of Hawaii at Manoa since 1995. Mr. Babcock also holds Professional Engineering licenses in California and Hawaii and previously served two terms on the Board of Certification of Operating Personnel in Wastewater Treatment Plants. Your Committee further notes that Mr. Babcock has served as an interim member of the Board of Certification of Operating Personnel in Wastewater Treatment Plants since October 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. Babcock be appointed to the Board of Certification of Operating Personnel in Wastewater Treatment Plants based on his knowledge, experience, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3517 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 553, 554, and 555

Recommending that the Senate advise and consent to the nominations of the following:

STATEWIDE HEALTH COORDINATING COUNCIL

- G.M. No. 553 CHAD WALTON, for a term to expire 06-30-2023;
- G.M. No. 554 ERIC BARSATAN, for a term to expire 06-30-2023; and
- G.M. No. 555 KAREN HOLT, for a term to expire 06-30-2021

Your Committee reviewed the personal histories, resumes, and statements submitted by Chad Walton, Eric Barsatan, and Karen Holt for service on the Statewide Health Coordinating Council.

CHAD WALTON

Your Committee received testimony in support of the nomination for the appointment of Chad Walton from the State Health Planning and Development Agency and three individuals.

Upon review of the testimony, your Committee finds that Dr. Walton's experience, background, and commitment to public service qualify him for appointment to the Statewide Health Coordinating Council. Your Committee notes that Dr. Walton is currently the Research Program Officer at the University of Hawaii at Manoa. Prior to that, Dr. Walton was the Director of Trauma Research at University Clinical, Education and Research Associates. Your Committee further notes that Dr. Walton has served as an interim member of the Statewide Health Coordinating Council since July 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Dr. Walton be appointed to the Statewide Health Coordinating Council based on his knowledge, experience, and commitment to public service.

ERIC BARSATAN

Your Committee received testimony in support of the nomination for the appointment of Eric Barsatan from the State Health Planning and Development Agency.

Upon review of the testimony, your Committee finds that Mr. Barsatan's experience, background, and commitment to public service qualify him for appointment to the Statewide Health Coordinating Council. Your Committee notes that Mr. Barsatan is currently the manager and physician liaison for medical staff services and physician relations at The Queen's Medical Center – West O'ahu. Your Committee further notes that Mr. Barsatan has served as an interim member of the Statewide Health Coordinating Council since August 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. Barsatan be appointed to the Statewide Health Coordinating Council based on his knowledge, experience, and commitment to public service.

KAREN HOLT

Your Committee received testimony in support of the nomination for the appointment of Karen Holt from the State Health Planning and Development Agency and three individuals.

Upon review of the testimony, your Committee finds that Ms. Holt's experience, background, and commitment to public service qualify her for appointment to the Statewide Health Coordinating Council. Your Committee notes that Ms. Holt has a legal background and is currently the Executive Director of the Moloka'i Community Service Council and Principal of Ho'omana Hou High School. Your Committee further notes that Ms. Holt is actively engaged in her community and has served on numerous boards and councils over the years. Your Committee further notes that Ms. Holt has served as an interim member of the Statewide Health Coordinating Council since July 2019 and currently serves as the Council's Chair. Your Committee therefore recommends that Ms. Holt be appointed to the Statewide Health Coordinating Council based on her knowledge, experience, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3518 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 557, 558, and 559

Recommending that the Senate advise and consent to the nominations of the following:

MENTAL HEALTH AND SUBSTANCE ABUSE, OAHU SERVICE AREA BOARD

- G.M. No. 557 SIONE NAEATA, for a term to expire 06-30-2020;
- G.M. No. 558 SIONE NAEATA, for a term to expire 06-30-2024; and
- G.M. No. 559 MARGARET JACKSON, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Sione Naeata and Margaret Jackson for service on the Mental Health and Substance Abuse, Oahu Service Area Board.

SIONE NAEATA

Your Committee received testimony in support of the nomination for the appointment and reappointment of Sione Naeata from the Department of Health and Hawaii Youth Services Network.

Upon review of the testimony, your Committee finds that Mr. Naeata's professional experience, background, and desire to serve his community qualify him for consideration for appointment and reappointment to the Mental Health and Substance Abuse, Oahu Service Area Board. Your Committee notes that Mr. Naeata is currently the Executive Director of the Bobby Benson Center in Kahuku, Hawaii, which is one of only two residential substance abuse treatment programs in the State. Your Committee further finds that Mr. Naeata has served as an interim member of the Mental Health and Substance Abuse, Oahu Service Area Board since May 2019 and his knowledge and experience continues to enhance the effectiveness of the Mental Health and Substance Abuse, Oahu Service Area Board. Your Committee therefore recommends that Mr. Naeata be appointed and reappointed to the Mental Health and Substance Abuse, Oahu Service Area Board based on his background, knowledge, and desire to contribute to the community.

MARGARET JACKSON

Your Committee received testimony in support of the nomination for the appointment of Margaret Jackson from the Department of Health and two individuals.

Upon review of the testimony, your Committee finds that Ms. Jackson's experience, background, and commitment to public service qualify her for appointment to the Mental Health and Substance Abuse, Oahu Service Area Board. Your Committee notes that Ms. Jackson is currently the Parent Support Provider at Hawaii Families As Allies where she helps to expand knowledge about various community resources. Your Committee further notes that Ms. Jackson has served as an interim member of the Mental Health and Substance Abuse, Oahu Service Area Board since May 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Ms. Jackson be appointed to the Mental Health and Substance Abuse, Oahu Service Area Board based on her knowledge, experience, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3519 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 560 and 561

Recommending that the Senate advise and consent to the nominations of the following:

MENTAL HEALTH AND SUBSTANCE ABUSE, MAUI SERVICE AREA BOARD

- G.M. No. 560 SANDRA DIAZ, for a term to expire 06-30-2020; and

G.M. No. 561 SANDRA DIAZ, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Sandra Diaz for service on the Mental Health and Substance Abuse, Maui Service Area Board.

Your Committee received testimony in support of the nomination for the appointment and reappointment of Sandra Diaz from the Department of Health.

Upon review of the testimony, your Committee finds that Ms. Diaz's professional experience, background, and desire to serve her community qualify her for consideration for appointment and reappointment to the Mental Health and Substance Abuse, Maui Service Area Board. Your Committee notes that Ms. Diaz has been a Community Based Case Manager with Aloha House in Wailuku since 2007 and obtained a master's degree in social work in 2019. Ms. Diaz also has experience as a domestic violence counselor. Your Committee further finds that Ms. Diaz has served as an interim member of the Mental Health and Substance Abuse, Maui Service Area Board since May 2019 and her knowledge and experience continues to enhance the effectiveness of the Board. Your Committee therefore recommends that Ms. Diaz be appointed and reappointed to the Mental Health and Substance Abuse, Maui Service Area Board based on her background, knowledge, and desire to contribute to the community.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3520 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 562 and 563

Recommending that the Senate advise and consent to the nominations of the following:

MENTAL HEALTH AND SUBSTANCE ABUSE, HAWAII SERVICE AREA BOARD

G.M. No. 562 STEVEN BRITTAIN, for a term to expire 06-30-2020; and

G.M. No. 563 STEVEN BRITTAIN, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Steven Brittain for service on the Mental Health and Substance Abuse, Hawaii Service Area Board.

Your Committee received testimony in support of the nomination for the appointment and reappointment of Steven Brittain from the Department of Health and four individuals.

Upon review of the testimony, your Committee finds that Mr. Brittain's professional experience, unique background, and desire to serve his community qualify him for consideration for appointment and reappointment to the Mental Health and Substance Abuse, Hawaii Service Area Board. Your Committee notes that Mr. Brittain has a diverse professional background. Mr. Brittain practiced law in Hawaii for twenty years, worked as a substance abuse and anger management counselor, and served as a shift-worker in homeless shelters and prison reintegration programs. Your Committee further notes Mr. Brittain is an active member in numerous professional and community organizations. Your Committee further finds that Mr. Brittain has served as an interim member of the Mental Health and Substance Abuse, Hawaii Service Area Board since June 2019 and his knowledge and unique experience continues to enhance the effectiveness of the Board. Your Committee therefore recommends that Mr. Brittain be appointed and reappointed to the Mental Health and Substance Abuse, Hawaii Service Area Board based on his background, knowledge, and desire to contribute to the community.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3521 Commerce, Consumer Protection, and Health on Gov. Msg. No. 533

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY

G.M. No. 533 SUSAN MAY, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Susan May for service on the Board of Speech Pathology and Audiology.

Your Committee received testimony in support of the nomination for the appointment of Susan May from the Department of Commerce and Consumer Affairs and four individuals. Your Committee received testimony in opposition to the nomination for the appointment of Susan May from one individual.

Upon review of the testimony, your Committee finds that Dr. May's background and dedication to serving the public qualify her to be appointed to the Board of Speech Pathology and Audiology as an audiologist member. Your Committee notes that Dr. May has over twenty-five years of experience as an audiologist. Dr. May is currently the supervising audiologist at Kaiser Permanente, a position she has held since 1997. Your Committee further notes that Dr. May is actively involved in her community and volunteers with a

number of organizations, including the Hawaii Special Olympics and the Newborn Hearing Screening Advisory Committee. Your Committee finds that Dr. May has a thorough understanding of the role and responsibilities of members of the Board of Speech Pathology and Audiology and her extensive experience in audiology will continue to enhance the effectiveness of the board. Your Committee therefore recommends that Dr. May be appointed to the Board of Speech Pathology and Audiology based on her knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3522 Commerce, Consumer Protection, and Health on Gov. Msg. No. 556

Recommending that the Senate advise and consent to the nomination of the following:

RADIOLOGIC TECHNOLOGY BOARD

G.M. No. 556 JODI ANN NAKAOKA, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Jodi Ann Nakaoka for service on the Radiologic Technology Board.

Your Committee received testimony in support of the nomination for the appointment of Jodi Ann Nakaoka from the Department of Health and one individual. Your Committee received testimony in opposition to the nomination for the appointment of Jodi Ann Nakaoka from one individual.

Upon review of the testimony, your Committee finds that Ms. Nakaoka's experience, background, and commitment to public service qualify her for appointment to the Radiologic Technology Board as a member engaged in the practice of radiology. Your Committee notes that Ms. Nakaoka is currently a radiographer, mammographer, and the Chief Technologist at Hawaii Diagnostic Radiology Services. Ms. Nakaoka is also a member of a number of professional organizations and has previously served two terms on the Radiologic Technology Board, including serving as Chair for six years. Your Committee further notes that Ms. Nakaoka has served as an interim member of the Radiologic Technology Board since August 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Ms. Nakaoka be appointed to the Radiologic Technology Board based on her knowledge, experience, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3523 Commerce, Consumer Protection, and Health on Gov. Msg. No. 565

Recommending that the Senate advise and consent to the nomination of the following:

MOTOR VEHICLE INDUSTRY LICENSING BOARD

G.M. No. 565 BYRON HANSEN, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Byron Hansen for service on the Motor Vehicle Industry Licensing Board.

Your Committee received testimony in support of the nomination for the appointment of Byron Hansen from the Motor Vehicle Industry Licensing Board, Hawaii Automobile Dealers' Association, and one individual. Your Committee received testimony in opposition to the nomination for the appointment of Byron Hansen from one individual.

Upon review of the testimony, your Committee finds that Mr. Hansen's background, knowledge, and prior experience on the Motor Vehicle Industry Licensing Board qualify him for appointment to the Motor Vehicle Industry Licensing Board as a public member. Your Committee notes that Mr. Hansen worked for Bank of Hawaii's Dealer Center for nearly thirty years where he was primarily responsible for the maintenance and growth of the bank's commercial auto and indirect lending portfolios, and prior to that, worked for Volkswagen Hawaii for nearly twenty years in a dealer support role. Your Committee further notes that Mr. Hansen served on the Motor Vehicle Industry Licensing Board from 2015 to 2019 and Mr. Hansen's experience and knowledge will continue to be assets to the Board. Your Committee therefore recommends that Mr. Hansen be appointed to the Motor Vehicle Industry Licensing Board based on his experience, knowledge, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3524 Commerce, Consumer Protection, and Health on Gov. Msg. No. 566

Recommending that the Senate advise and consent to the nomination of the following:

ELEVATOR MECHANICS LICENSING BOARD

G.M. No. 566 EVAN FONG, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by Evan Fong for service on the Elevator Mechanics Licensing Board.

Your Committee received testimony in support of the nomination for the appointment of Evan Fong from the Elevator Mechanics Licensing Board. Your Committee received testimony in opposition to the nomination for the appointment of Evan Fong from one individual.

Upon review of the testimony, your Committee finds that Mr. Fong's experience, background, and commitment to public service qualify him for appointment to the Elevator Mechanics Licensing Board as a licensed elevator mechanic member. Your Committee notes that Mr. Fong has nearly fifteen years of experience as an elevator mechanic and has been a licensed elevator mechanic in Hawaii since 2010. Your Committee further notes that Mr. Fong has served as an interim member of the Elevator Mechanics Licensing Board since July 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. Fong be appointed to the Elevator Mechanics Licensing Board based on his knowledge, experience, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3525 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 603 and 604

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF CERTIFICATION OF PUBLIC WATER SYSTEM OPERATORS

G.M. No. 603 MARK PRESCOTT, for a term to expire 06-30-2024; and

G.M. No. 604 JODI YAMAMI, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Mark Prescott and Jodi Yamami for service on the Board of Certification of Public Water System Operators.

MARK PRESCOTT

Your Committee received testimony in support of the nomination for the reappointment of Mark Prescott from the Department of Health and two individuals.

Upon review of the testimony, your Committee finds that Mr. Prescott's experience, knowledge, and proven leadership on the Board of Certification of Public Water System Operators qualify him for reappointment to the Board in the role of a duly qualified member in the field of public water system operation. Your Committee notes that Mr. Prescott is the owner and operator of Hawaiian Beaches Water Company, a small water system on the Island of Hawaii. Additionally, Mr. Prescott is certified as a Distribution System Operator and Water Treatment Plan Operator. Your Committee finds that Mr. Prescott has served on the Board of Certification of Public Water System Operators since 2017 and Mr. Prescott's experience and knowledge will continue to be assets to the Board. Your Committee therefore recommends that Mr. Prescott be reappointed to the Board of Certification of Public Water System Operators based on his experience, knowledge, and commitment to public service.

JODI YAMAMI

Your Committee received testimony in support of the nomination for the reappointment of Jodi Yamami from the Department of Health and two individuals.

Upon review of the testimony, your Committee finds that Ms. Yamami's experience, knowledge, and proven leadership on the Board of Certification of Public Water System Operators qualify her for reappointment to the Board. Your Committee notes that Ms. Yamami has over thirty years of experience as an engineer and currently works for the Department of Health's Safe Drinking Water Branch, where she is responsible for administering the drinking water treatment plant operator certification program. Your Committee further finds that Ms. Yamami has served multiple terms on the Board of Certification of Public Water System Operators and her experience and knowledge will continue to be assets to the Board. Your Committee therefore recommends that Ms. Yamami be reappointed to the Board of Certification of Public Water System Operators based on her experience, knowledge, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3526 Commerce, Consumer Protection, and Health on Gov. Msg. No. 640

Recommending that the Senate advise and consent to the nomination of the following:

ADMINISTRATOR, STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

G.M. No. 640 SERAFIN COLMENARES, JR., for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Serafin Colmenares, Jr. for service as the Administrator of the State Health Planning and Development Agency within the Department of Health.

Your Committee received testimony in support of the nomination for the appointment of Serafin Colmenares, Jr. from the Department of Health; State of Hawaii, Executive Office of Aging; County of Hawaii, Office of Aging; Hawaii Medical Service Association; Catholic Charities Hawai'i; State Long Term Care Ombudsman Program; and fifteen individuals.

Serafin Colmenares, Jr. earned a master's degree in public health from the University of Hawaii at Manoa in addition to master's and doctoral degrees in political science from the University of Delhi in India. He also earned a bachelor's degree in political science and a graduate certificate in governmental management from Mindanao State University in the Philippines. Before moving to Hawaii, Dr. Colmenares was the Assistant Dean and a Professor at Mindanao State University.

Since then, Dr. Colmenares has accumulated nearly thirty years of experience working on various public health issues in Hawaii, mainly in language access. Specifically, Dr. Colmenares was the Executive Director for the Office of Language Access in the Department of Labor and Industrial Relations from 2007 to 2012 and the Executive Director for the Office of Language Access in the Department of Health from 2012 to 2015. During that time, he received the 2013 William J. Harris Equal Opportunity Award from the National Association of State Workforce Agencies for achieving a national standard of excellence in the development and implementation of an effective equal opportunity program in Hawaii.

In 2015, Dr. Colmenares became the Comprehensive Health Planning Coordinator of the State Health Planning and Development Agency and provided staffing for health planning councils in West Oahu, Windward Oahu, Kauai, and Maui. On July 1, 2019, he was appointed as its acting administrator. As the Acting Administrator of the State Health Planning and Development Agency, Dr. Colmenares oversees the State's Certificate of Need (CON) program, which regulates the construction, expansion, initiation, or modification of a health care facility or services in Hawaii, and the State's Health Services and Facilities Plan, which addresses the health care needs of the State including inpatient care, healthcare facilities, and special needs.

Your Committee finds that testimony submitted in support of Dr. Colmenares' nomination speak to his strong work ethic, sincere compassion for people, and a deep understanding of the health system in Hawaii. Additionally, testifiers commended his record of working for the betterment of the community, particularly its underserved and vulnerable populations. Testimony submitted by the Department of Health specifically praised his focus on health equity and the social determinants of health, which are key to the State Health Planning and Development Agency's mission to assure access to health care as equitably and economically as possible for Hawaii's residents.

With the breadth of his leadership, experience, and expertise in scholarship and advocacy on the quality of health care and language access in Hawaii, your Committee finds that Serafin Colmenares, Jr. is eminently qualified for the position to which he is nominated.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3527 Commerce, Consumer Protection, and Health on Gov. Msg. No. 681

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF ELECTRICIANS AND PLUMBERS

G.M. No. 681 PHILLIP LUCERO, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Mr. Phillip Lucero for service on the Board of Electricians and Plumbers.

Your Committee received testimony in support of the nomination for the reappointment of Phillip Lucero from the Board of Electricians and Plumbers, Electrical Contractor's Association of Hawai'i, Hawaii Electricians Market Enhancement Program, International Brotherhood of Electrical Workers Local Union 1186, and three individuals.

Upon review of the testimony, your Committee finds that Mr. Lucero's experience, knowledge, proven leadership, and previous service on the Board of Electricians and Plumbers qualify him for reappointment to the Board of Electricians and Plumbers as a licensee member. Your Committee notes that Mr. Lucero has twenty-nine years of experience as a licensed electrician in Hawaii. Mr. Lucero has been the owner of Preferred Electricians since October 2015, and served as Vice President of Electricians, Inc. from 1991 to July 2015. Your Committee further finds that Mr. Lucero has served on the Board of Electricians and Plumbers since 2015 and was elected Chairperson in 2019. Your Committee therefore recommends that Phillip Lucero be reappointed to the Board of Electricians and Plumbers based on his experience, knowledge, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has

found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3528 Commerce, Consumer Protection, and Health on Gov. Msg. No. 682

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF PRIVATE DETECTIVES AND GUARDS

G.M. No. 682 EDWARD CHU JR., for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Edward Chu, Jr. for service on the Board of Private Detectives and Guards.

Your Committee received testimony in support of the nomination for the appointment of Edward Chu, Jr. from the Department of Commerce and Consumer Affairs and three individuals.

Upon review of the testimony, your Committee finds that Mr. Chu's background and dedication to serving the public qualify him to be appointed to the Board of Private Detectives and Guards as a private citizen member. Your Committee notes that Mr. Chu has been a property and casualty insurance agent since 2009. Previously, Mr. Chu was a stevedore superintendent and account executive at Matson Navigation Company and a sales manager at Pacific American Lumber. He also earned a Bachelor of Science degree in Aerospace Studies. Your Committee finds that Edward Chu, Jr. has a diverse educational and professional background and testimony from the Department of Commerce and Consumer Affairs indicated that this diversity will help provide meaningful perspective to the Board of Private Detectives and Guards. Testimony further indicated that his understanding of the role and responsibilities of board members and his community service experience will enhance the Board's effectiveness. Your Committee therefore recommends that Edward Chu, Jr. be appointed to the Board of Private Detectives and Guards based on his knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3529 Commerce, Consumer Protection, and Health on Gov. Msg. No. 687

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY

G.M. No. 687 DENBY RALL, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Denby Rall for service on the Board of Speech Pathology and Audiology.

Your Committee received testimony in support of the nomination for the appointment of Denby Rall from the Department of Commerce and Consumer Affairs and one individual.

Upon review of the testimony, your Committee finds that Dr. Rall's background and dedication to serving the public qualify her to be appointed to the Board of Speech Pathology and Audiology as an audiologist member. Your Committee notes that Dr. Rall has been chief of audiology at Tripler Army Medical Center since 2011. Previously, Dr. Rall served at Tripler as a licensed audiologist and graduate clinician. She earned her doctorate in audiology at Central Michigan University. Testimony indicated that Dr. Rall has volunteered with Special Olympics, served as chapter president of the National Association of Future Doctors of Audiology, and serves on the board of Maryknoll School. Testimony further indicated that her understanding of the role and responsibilities of board members and her community service experience will enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. Denby Rall be appointed to the Board of Speech Pathology and Audiology based on her knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3530 Commerce, Consumer Protection, and Health on Gov. Msg. No. 700

Recommending that the Senate advise and consent to the nomination of the following:

STATE BOARD OF PUBLIC ACCOUNTANCY

G.M. No. 700 BRIAN UEMORI, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Brian Uemori for service on the State Board of Public Accountancy.

Your Committee received testimony in support of the nomination for the appointment of Brian Uemori from the Department of Commerce and Consumer Affairs and two individuals.

Upon review of the testimony, your Committee finds that Brian Uemori's background and dedication to serving the public qualify him to be appointed to the State Board of Public Accountancy as a public member. Your Committee notes that Mr. Uemori has thirty years of experience in accounting and finance, including eighteen years with two of the State's largest local banks. He is currently the executive vice president and chief credit officer at First Hawaiian Bank. Previously, he held a similar position at Bank of Hawaii. Your Committee further finds that Mr. Uemori currently sits on the Palama Settlement Board of Trustees, and has served as its past president. Your Committee further notes that he has a thorough understanding of the role and responsibilities of a board member and his extensive experience with public accountancy, namely in complex tax and audit issues, will enhance the effectiveness of the State Board of Public Accountancy. Your Committee therefore recommends that Mr. Uemori be appointed to the State Board of Public Accountancy based on his knowledge, background, and desire to contribute to the community.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3531 Commerce, Consumer Protection, and Health on Gov. Msg. No. 736

Recommending that the Senate advise and consent to the nomination of the following:

HEALTH PLANNING COUNCIL, HONOLULU SUBAREA

G.M. No. 736 KATHERINE FINN DAVIS, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Katherine Finn Davis for service on the Health Planning Council, Honolulu Subarea.

Your Committee received testimony in support of the nomination for the reappointment of Katherine Finn Davis from the State Health Planning and Development Agency.

Upon review of the testimony, your Committee finds that Dr. Davis' experience, knowledge, and proven leadership on the Health Planning Council, Honolulu Subarea qualify her for reappointment. Your Committee notes that Dr. Davis has a Doctor of Philosophy degree and has over twenty-five years of experience as a pediatric nurse, nurse practitioner, and researcher, and is well versed in health promotion and disease prevention. Dr. Davis has been a licensed Registered Nurse and Advanced Practice Registered Nurse in Hawaii since 2016. Dr. Davis is currently the Director of Community Partnerships and a Professor at the University of Hawaii at Manoa School of Nursing and Dental Hygiene. Your Committee further finds that Dr. Davis has served on the Health Planning Council, Honolulu Subarea since 2018 and currently serves as Vice-Chair. Dr. Davis' experience and knowledge will continue to be assets to the Health Planning Council, Honolulu Subarea. Your Committee therefore recommends that Dr. Davis be reappointed to the Health Planning Council, Honolulu Subarea based on her experience, knowledge, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3532 Commerce, Consumer Protection, and Health on Gov. Msg. No. 698

Recommending that the Senate advise and consent to the nomination of the following:

PEST CONTROL BOARD

G.M. No. 698 SCOTT AI, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Scott Ai for service on the Pest Control Board.

Your Committee received testimony in support of the nomination for the reappointment of Scott Ai from the Pest Control Board, Hawaii Pest Control Association, and one individual.

Upon review of the testimony, your Committee finds that Mr. Ai's experience, knowledge, and proven leadership on the Pest Control Board qualify him for reappointment to the Pest Control Board as a public member. Mr. Ai is currently the Vice President of Estimating at Beachside Roofing, LLC. In addition to working in the construction industry for nearly thirty years in Hawaii and on the mainland, Mr. Ai served as president of the AOA for Sea Country at Holomoana from 2008 to 2015. He is also a past president and current vice president for the Roofing Contractors Association of Hawaii and trustee for the Roofer's Local 221 Health & Welfare, Pension, Annuity and Vacation Trust Funds. Testimony further indicated that his understanding of the role and responsibilities of board members and his community service experience will continue to enhance the effectiveness of the Pest Control Board. Your Committee notes that Mr. Ai has been a member of the Pest Control Board since 2016. Your Committee therefore recommends that Mr. Ai be reappointed to the Pest Control Board based on his experience, knowledge, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3533 Commerce, Consumer Protection, and Health on Gov. Msg. No. 699

Recommending that the Senate advise and consent to the nomination of the following:

STATE BOARD OF BARBERING AND COSMETOLOGY

G.M. No. 699 LESLIE MURATA, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by Leslie Murata for service on the State Board of Barbering and Cosmetology.

Your Committee received testimony in support of the nomination for the appointment of Leslie Murata from the Department of Commerce and Consumer Affairs and one individual.

Upon review of the testimony, your Committee finds that Mr. Murata's background and dedication to serving the public qualify him to be appointed to the State Board of Barbering and Cosmetology as a public member. Your Committee notes that Mr. Murata retired in 2014 after serving with the U.S. Postal Service in Hawaii since 1988. Mr. Murata is currently a volunteer at several Haleiwa and Waialua schools and an excursion coordinator at Hulu Makua Senior Day Care. Previously, he served as Board Vice President for Operations with the Hawaii Youth Symphony. Your Committee finds that Mr. Murata has the professional background and history of volunteer community service experience that will help provide meaningful perspective to the Board of Barbering and Cosmetology. Testimony further indicates that his understanding of the role and responsibilities of board members will enhance the effectiveness of the State Board of Barbering and Cosmetology Board. Your Committee therefore recommends that Mr. Murata be appointed to the Board of Barbering and Cosmetology based on his background and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3534 Commerce, Consumer Protection, and Health on Gov. Msg. No. 728

Recommending that the Senate advise and consent to the nomination of the following:

DISABILITY AND COMMUNICATION ACCESS BOARD

G.M. No. 728 MICHAEL NOJIMA, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Michael Nojima for service on the Disability and Communication Access Board.

Your Committee received testimony in support of the nomination for the appointment of Michael Nojima from the Disability and Communication Access Board and two individuals.

Upon review of the testimony, your Committee finds that Mr. Nojima's background and desire to serve the public qualify him to be appointed to the Disability and Communication Access Board (DCAB) as an individual knowledgeable in areas for which DCAB has rulemaking authority. Your Committee notes that Mr. Nojima has been a registered professional engineer since 1984. Mr. Nojima is currently the Vice President of Gray, Hong, Nojima, & Associates, Inc., a company that provides professional engineering services, including planning and permitting, design, and construction. Mr. Nojima's experience as a consulting civil engineer lends him special insight into facility access for persons with disabilities. Your Committee finds that Mr. Nojima's extensive background in civil engineering, specifically in accessibility compliance requirements, will enhance the effectiveness of the Disability and Communication Access Board. Your Committee therefore recommends that Mr. Nojima be appointed to the Disability and Communication Access Board based on his knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3535 Commerce, Consumer Protection, and Health on Gov. Msg. No. 748

Recommending that the Senate advise and consent to the nomination of the following:

STATE COUNCIL ON MENTAL HEALTH

G.M. No. 748 HEIDI ILYAVI, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Heidi Ilyavi for service on the State Council on Mental Health.

Your Committee received testimony in support of the nomination for the appointment of Heidi Ilyavi from the Department of Health and two individuals.

Upon review of the testimony, your Committee finds that Ms. Ilyavi's background and dedication to serving the public qualify her to be appointed to the State Council on Mental Health as a member representing families of children with serious emotional disturbances. Your Committee notes that Ms. Ilyavi currently works as a Parent Partner for Child and Family Services in the Child and Adolescent Mental Health Division program in Kona, Hawaii, where she serves as an advocate and provides insight into available resources for families. Your Committee finds that Ms. Ilyavi has a thorough understanding of the role and responsibilities of board members and that her experience in Child and Family Services and her knowledge of mental health issues will enhance the effectiveness of the State Council on Mental Health. Your Committee therefore recommends that Ms. Ilyavi be appointed to the State Council on Mental Health based on her knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3536 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 679 and 680

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF DENTISTRY

G.M. No. 679 WALLACE FOOK CHONG III, for a term to expire 06-30-2024; and

G.M. No. 680 WESLEY JOONG JUNG CHOY, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Wallace Fook Chong III and Wesley Joong Jung Choy for service on the Board of Dentistry.

WALLACE FOOK CHONG III

Your Committee received testimony in support of the nomination for the appointment of Wallace Fook Chong III from the Department of Commerce and Consumer Affairs, Hawaii Dental Association, and two individuals.

Upon review of the testimony, your Committee finds that Wallace Fook Chong III's background and dedication to serving the public qualify him to be appointed to the Board of Dentistry as a licensee member. Your Committee notes that Dr. Chong has been a dentist since opening his own practice in 2001. He is also currently a consultant examiner for the Commission on Dental Competency Assessments and an active member of a SPEAR Study Club, where he continues to learn and incorporate the latest dental procedures. Your Committee further finds that Dr. Chong was a former president and secretary for the Hawaii County Dental Society and a former member of the Rotary Club of South Hilo. Your Committee further notes that he has a thorough understanding of the role and responsibilities of a board member and his extensive experience in dentistry will enhance the effectiveness of the Board of Dentistry. Your Committee therefore recommends that Dr. Chong be appointed to the Board of Dentistry based on his knowledge, background, and commitment to public service.

WESLEY JOONG JUNG CHOY

Your Committee received testimony in support of the nomination for the appointment of Wesley Joong Jung Choy from the Department of Commerce and Consumer Affairs, Hawaii Dental Association, and three individuals.

Upon review of the testimony, your Committee finds that Wesley Joong Jung Choy's background and dedication to serving the public qualify him to be appointed to the Board of Dentistry as a licensee member. Your Committee notes that Dr. Choy has been a dentist since completing his residency at St. Francis Medical Center in 1990. He earned the honor of being named one of Honolulu Magazine's "Best Dentists in Hawaii" in 2018. Your Committee further finds that Dr. Choy is a member of various dental associations, including the American Dental Association, Academy of General Dentistry, and Honolulu County Dental Society. He also was a former president of the Terry Tanaka Study Club, where he continues to refine his practice. Your Committee further notes that he has a thorough understanding of the role and responsibilities of board members and his extensive experience in dentistry will enhance the effectiveness of the Board of Dentistry. Your Committee therefore recommends that Dr. Choy be appointed to the Board of Dentistry based on his knowledge, background, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3537 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 683, 684, 685, and 686

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF PSYCHOLOGY

- G.M. No. 683 DON PEDRO, for a term to expire 06-30-2024;
G.M. No. 684 JAMES SPIRA, for a term to expire 06-30-2022;
G.M. No. 685 JILL GRAY, for a term to expire 06-30-2023; and
G.M. No. 686 SHERRY SUTHERLAND-CHOY, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Don Pedro, James Spira, Jill Gray, and Sherry Sutherland-Choy for service on the Board of Psychology.

DON PEDRO

Your Committee received testimony in support of the nomination for the reappointment of Don Pedro from the Board of Psychology and two individuals.

Upon review of the testimony, your Committee finds that Dr. Pedro's knowledge, background, and commitment to public service qualify him to be nominated for reappointment to the Board of Psychology as a licensee member. Your Committee notes that Dr. Pedro has nearly twenty years of experience in psychology and has been licensed as a clinical psychologist in Hawaii since 2002. Dr. Pedro currently serves as the Forensic Section Head - Oahu Branch for the Department of Health's Adult Mental Health Section and works part-time in private practice. Dr. Pedro also has an extensive teaching background and has been a lecturer at the University of Hawai'i, Kapi'olani Community College, and a member of the adjunct faculty at Hawai'i Pacific University for over twenty years. Your Committee further finds that Dr. Pedro has served on the Board of Psychology since 2018. Dr. Pedro's leadership, experience, and knowledge will continue to be assets to the Board of Psychology. Your Committee therefore recommends that Dr. Pedro be reappointed to the Board of Psychology based on his experience, background, and commitment to public service.

JAMES SPIRA

Your Committee received testimony in support of the nomination for the appointment of James Spira from the Department of Commerce and Consumer Affairs and two individuals.

Upon review of the testimony, your Committee finds that Dr. Spira's knowledge, background, and commitment to public service qualify him to be nominated for appointment to the Board of Psychology as a psychologist member. Your Committee notes that Dr. Spira has been a clinical psychologist for twenty-five years. Dr. Spira is currently the Director of Pacific Behavioral Health Ltd. Your Committee further notes that the Dr. Spira has twenty years of experience with military and veteran behavioral health education, prevention, education, clinical intervention, and research; and his extensive experience will continue to enhance the effectiveness of the Board of Psychology. Your Committee therefore recommends that Dr. Spira be appointed to the Board of Psychology based on his knowledge, background, and dedication to public service.

JILL GRAY

Your Committee received testimony in support of the nomination for the reappointment of Jill Gray from the Board of Psychology and two individuals.

Upon review of the testimony, your Committee finds that Dr. Gray's professional experience, commitment to community service, and proven leadership qualify her for reappointment to the Board of Psychology as a licensee member. Your Committee notes that Dr. Gray has almost twenty years of experience in psychology and has been licensed as a clinical psychologist in Hawaii since 2001. Dr. Gray currently serves as the Director of Training for I Ola Lāhui, Inc.'s Rural Hawai'i Behavioral Health Program. Your Committee further notes that Dr. Gray works primarily in rural, medically underserved areas. Your Committee further finds that Dr. Gray served on the Board of Psychology since 2017, and continues to serve well as a holdover member, since her first term expired on June 30, 2019. Dr. Gray's leadership, experience, and knowledge will continue to be assets to the Board of Psychology. Your Committee therefore recommends that Dr. Gray be reappointed to the Board of Psychology based on her experience, knowledge, and commitment to public service.

SHERRY SUTHERLAND-CHOY

Your Committee received testimony in support of the nomination for the reappointment of Sherry Sutherland-Choy from the Board of Psychology, Waianae Coast Comprehensive Health Center, and one individual.

Upon review of the testimony, your Committee finds that Dr. Sutherland-Choy's background, experience, and dedication to community service qualify her to be nominated for reappointment to the Board of Psychology as a psychologist member. Your Committee notes that Dr. Sutherland-Choy is a licensed psychologist in Hawaii since 2015 and is also licensed as an advanced practice registered nurse with prescriptive authority. Dr. Sutherland-Choy currently serves as a full-time family nurse practitioner and licensed clinical psychologist at the Waianae Coast Comprehensive Health Center. Your Committee further finds that Dr. Sutherland-Choy has also served as the Chair of the Board of Psychology and an adjunct instructor of psychopharmacology at the Hawaii School of Professional Psychology at Argosy University since 2016. Dr. Sutherland-Choy's experience and knowledge will continue to be assets to the Board of Psychology. Your Committee therefore recommends that Dr. Sutherland-Choy be reappointed to the Board of Psychology based on her background, knowledge, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3538 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 696 and 697

Recommending that the Senate advise and consent to the nominations of the following:

MOTOR VEHICLE INDUSTRY LICENSING BOARD

G.M. No. 696 RUSSELL WONG, for a term to expire 06-30-2023; and

G.M. No. 697 WAYNE DE LUZ, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Russell Wong and Wayne De Luz for service on the Motor Vehicle Industry Licensing Board.

RUSSELL WONG

Your Committee received testimony in support of the nomination for the reappointment of Russell Wong from the Motor Vehicle Industry Licensing Board, Hawaii Automotive Dealers' Association, and one individual.

Upon review of the testimony, your Committee finds that Mr. Wong's experience, background, and commitment to public service qualify him for reappointment to the Motor Vehicle Industry Licensing Board as an industry member. Your Committee notes that Mr. Wong is currently the Chief Operating Officer at Aloha Auto Group. Prior to that, Mr. Wong was the General Manager at Midpac Auto Center and was Vice President and General Manager at Jackson Auto Group. Your Committee further notes that Mr. Wong has served as a member of the Motor Vehicle Industry Licensing Board since 2015 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. Wong be reappointed to the Motor Vehicle Industry Licensing Board based on his knowledge, experience, and commitment to public service.

WAYNE DE LUZ

Your Committee received testimony in support of the nomination for the reappointment of Wayne De Luz from the Motor Vehicle Industry Licensing Board, Hawaii Automotive Dealers' Association, and two individuals.

Upon review of the testimony, your Committee finds that Mr. De Luz's experience, background, and commitment to public service qualify him for reappointment to the Motor Vehicle Industry Licensing Board as an industry member. Your Committee notes that Mr. De Luz is currently the President and Owner of Big Island Motors. Prior to that, he was Vice President of Operations at Big Island Toyota, Hilo-Kona Mazda. Your Committee further notes that Mr. De Luz has served as a member and Chairman of the Motor Vehicle Industry Licensing Board since 2016 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. De Luz be reappointed to the Motor Vehicle Industry Licensing Board based on his knowledge, experience, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3539 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 730 and 731

Recommending that the Senate advise and consent to the nominations of the following:

HAWAI'I ADVISORY COMMISSION ON DRUG ABUSE AND CONTROLLED SUBSTANCES

G.M. No. 730 GREG TJAPKES, for a term to expire 06-30-2021; and

G.M. No. 731 KU'ULEIALOHAONALANI SALZER-VITALE, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Greg Tjapkes and Ku'uleialohaonālani Salzer-Vitale for service on the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances.

GREG TJAPKES

Your Committee received testimony in support of the nomination for the appointment of Greg Tjapkes from the Department of Health, Hawaii Substance Abuse Coalition, Hawai'i Health and Harm Reduction Center, Matson, and two individuals.

Upon review of the testimony, your Committee finds that Mr. Tjapkes' background, experience, and dedication to serving the public qualify him to be appointed to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances as a member representing the community and business affairs. Your Committee notes that Mr. Tjapkes has extensive experience working with disadvantaged communities and addressing difficult social issues. Mr. Tjapkes is currently the Executive Director of the Coalition for a Drug-Free Hawaii and volunteers with a number of organizations, including the Hawaii Partnership to Prevent Underage Drinking Advisory Board, Hawaii State Opioid Initiative Prevention Workgroup, and the Hawaii Youth Services Network. Your Committee finds that Mr. Tjapkes has a thorough understanding of the role and responsibilities of board members and his extensive experience in the field of substance abuse prevention will continue to enhance the effectiveness of the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances. Your Committee therefore recommends that Mr. Tjapkes be appointed to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances based on his knowledge, background, and dedication to public service.

KU'ULEIALOHAONĀLANI SALZER-VITALE

Your Committee received testimony in support of the nomination for the appointment of Ku'uleialohaonālani Salzer-Vitale from the Department of Health and two individuals.

Upon review of the testimony, your Committee finds that Ms. Salzer-Vitale's background and dedication to serving the public qualify her to be appointed to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances as a member who represents the youth action segment of the community. Your Committee notes that Ms. Salzer-Vitale is the Faculty Specialist and Alcohol and Other Drug Education Program Coordinator with the University of Hawaii at Manoa. Ms. Salzer-Vitale is also a certified Alcohol and Drug Prevention Prime for Life Trainer and certified Suicide Prevention Safe Talk Trainer and has over six years of experience as an alcohol and drug education counselor. Your Committee finds that Ms. Salzer-Vitale has a thorough understanding of the role and responsibilities of board members and her extensive experience in the field of substance abuse prevention and counseling will enhance the effectiveness of the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances. Your Committee therefore recommends that Ms. Salzer-Vitale be appointed to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances based on her knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3540 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 732, 733, 734, and 735

Recommending that the Senate advise and consent to the nominations of the following:

HEALTH PLANNING COUNCIL, HAWAI'I COUNTY SUBAREA

- G.M. No. 732 EVELYN KANESHIRO, for a term to expire 06-30-2023;
- G.M. No. 733 ROGER DANIELS, for a term to expire 06-30-2023;
- G.M. No. 734 TAMIA MCKEAGUE, for a term to expire 06-30-2020; and
- G.M. No. 735 TAMIA MCKEAGUE, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Evelyn Kaneshiro, Roger Daniels, and Tamia McKeague for service on the Health Planning Council, Hawai'i County Subarea.

EVELYN KANESHIRO

Your Committee received testimony in support of the nomination for the appointment of Evelyn Kaneshiro from the State Health Planning and Development Agency, Kohala Hospital, and one individual.

Upon review of the testimony, your Committee finds that Ms. Kaneshiro's background and dedication to serving the public qualify her to be appointed to the Health Planning Council, Hawai'i County Subarea. Your Committee notes that Ms. Kaneshiro has over twenty-seven years of experience in health care finance and accounting and currently works as an accountant at Kohala Hospital where she oversees and manages its daily financial operations. Your Committee further finds that Ms. Kaneshiro has previously served on the Health Planning Council, Hawai'i County Subarea and her extensive experience with health care organizations will enhance the effectiveness of the Council. Your Committee therefore recommends that Ms. Kaneshiro be appointed to the Health Planning Council, Hawai'i County Subarea based on her knowledge, background, and dedication to public service.

ROGER DANIELS

Your Committee received testimony in support of the nomination for the appointment of Roger Daniels from the State Health Planning and Development Agency.

Upon review of the testimony, your Committee finds that Dr. Daniels' background and dedication to serving the public qualify him to be appointed to the Health Planning Council, Hawai'i County Subarea. Your Committee notes that Dr. Daniels has a Doctor of Philosophy degree and has been involved in health care for over twenty years, conducting health data analysis and working with small rural facilities on quality and performance improvement. Dr. Daniels is currently a Program Specialist with the Department of Health, Hawaii State Office of Primary Care and Rural Health. Dr. Daniels formerly served as a Peace Corps volunteer in Ghana, West Africa, and remains actively involved in his community by serving as a member on a number of professional organizations. Your Committee finds that Dr. Daniels has a thorough understanding of the role and responsibilities of board members and his knowledge and experience will enhance the effectiveness of the Health Planning Council, Hawai'i County Subarea. Your Committee therefore recommends that Dr. Daniels be appointed to the Health Planning Council, Hawai'i County Subarea based on his knowledge, background, and dedication to public service.

TAMIA MCKEAGUE

Your Committee received testimony in support of the nomination for the appointment and reappointment of Tamia McKeague from the State Health Planning and Development Agency and three individuals.

Upon review of the testimony, your Committee finds that Ms. McKeague's professional experience, background, and desire to serve her community qualify her for appointment and reappointment to the Health Planning Council, Hawai'i County Subarea. Your Committee notes that Ms. McKeague has a diverse background in mental health and education and is currently a Project Manager for the Kamehameha Schools West-Hawaii Regional Office. Prior to that, Ms. McKeague served as a school counselor and worked in adolescent development and mental health research while pursuing her Master of Arts in Counseling Psychology. Your Committee further finds that Ms. McKeague understands the roles and responsibilities of board members and her knowledge and experience will enhance the effectiveness of the Health Planning Council, Hawai'i County Subarea. Your Committee therefore recommends that

Ms. McKeague be appointed and reappointed to the Health Planning Council, Hawai'i County Subarea based on her background, knowledge, and desire to contribute to the community.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3541 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 737 and 738

Recommending that the Senate advise and consent to the nominations of the following:

LANGUAGE ACCESS ADVISORY COUNCIL

G.M. No. 737 TULPE DAY, for a term to expire 06-30-2020; and

G.M. No. 738 TULPE DAY, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Tulpe Day for service on the Language Access Advisory Council.

Your Committee received testimony in support of the nomination for the appointment and reappointment of Tulpe Day from the Department of Health and one individual.

Upon review of the testimony, your Committee finds that Ms. Day's professional experience, background, and desire to serve her community qualify her for consideration for appointment and reappointment to the Language Access Advisory Council. Your Committee notes that Ms. Day has been an Immigration Information Office specialist for the County of Hawaii for five years. Previously, Ms. Day served as an employment counselor for Goodwill Industries of Hawaii and Interim Director of Catholic Charities Hawaii, Hawaii Island Community Office. Your Committee further notes Ms. Day is also an active member in professional and community organizations, including Micronesians United. Your Committee further finds that Ms. Day has a thorough understanding of the role and responsibilities of board members and her extensive experience in language access service will enhance the effectiveness of the Language Access Advisory Council. Your Committee therefore recommends that Tulpe Day be appointed and reappointed to the Language Access Advisory Council based on her background, knowledge, and desire to contribute to the community.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3542 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 746 and 747

Recommending that the Senate advise and consent to the nominations of the following:

RADIOLOGIC TECHNOLOGY BOARD

G.M. No. 746 KRISTEN POLENZ, for a term to expire 06-30-2021; and

G.M. No. 747 RYAN MALLOY, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Kristen Polenz and Ryan Malloy for service on the Radiologic Technology Board.

KRISTEN POLENZ

Your Committee received testimony in support of the nomination for the appointment of Kristen Polenz from the Department of Health and two individuals.

Upon review of the testimony, your Committee finds that Ms. Polenz's background and dedication to serving the public qualify her to be appointed to the Radiologic Technology Board as a member certified in the practice of radiography. Your Committee notes that Ms. Polenz has been a registered Radiologic Technologist since 2004 and is currently the Director of Diagnostic Imaging at Castle Medical Center. Ms. Polenz is also a member of a number of professional organizations, including the American Society of Radiologic Technologists and American Healthcare Radiology Administrators. Your Committee finds that Ms. Polenz has a thorough understanding of the role and responsibilities of board members and her extensive experience in field of radiography will enhance the effectiveness of the Radiologic Technology Board. Your Committee therefore recommends that Ms. Polenz be appointed to the Radiologic Technology Board based on her knowledge, background, and dedication to public service.

RYAN MALLOY

Your Committee received testimony in support of the nomination for the appointment of Ryan Malloy from the Department of Health.

Upon review of the testimony, your Committee finds that Mr. Malloy's background and dedication to serving the public qualify him to be appointed to the Radiologic Technology Board as a member who is certified and engaged in the practice of nuclear medicine. Your Committee notes that Mr. Malloy has been a Certified Nuclear Medicine Technologist since 2005 and is currently a staff

technologist at The Queen's Medical Center, West Oahu. Your Committee finds that Mr. Malloy has a thorough understanding of the role and responsibilities of board members and his extensive experience as a Certified Nuclear Medicine Technologist will enhance the effectiveness of the Radiologic Technology Board. Your Committee therefore recommends that Mr. Malloy be appointed to the Radiologic Technology Board based on his knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3543 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 637, 638, 688, 689, 690, 691, 692, 693, 694, and 695

Recommending that the Senate advise and consent to the nominations of the following:

CONTRACTORS LICENSE BOARD

- G.M. No. 637 CLYDE HAYASHI, for a term to expire 06-30-2021;
- G.M. No. 638 JOSEPH O'DONNELL, for a term to expire 06-30-2021;
- G.M. No. 688 ERIC HIGASHIHARA, for a term to expire 06-30-2023;
- G.M. No. 689 LEONARD LEONG, for a term to expire 06-30-2022;
- G.M. No. 690 LESLIE ISEMOTO, for a term to expire 06-30-2022;
- G.M. No. 691 MAURICE TORIGOE, for a term to expire 06-30-2024;
- G.M. No. 692 NEAL ARITA, for a term to expire 06-30-2020;
- G.M. No. 693 NEAL ARITA, for a term to expire 06-30-2024;
- G.M. No. 694 NICHOLAS TEVES, JR., for a term to expire 06-30-2024; and
- G.M. No. 695 PAUL ALEJADO, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Clyde Hayashi; Joseph O'Donnell; Eric Higashihara; Leonard Leong; Leslie Isemoto; Maurice Torigoe; Neal Arita; Nicholas Teves, Jr.; and Paul Alejado for service on the Contractors License Board.

CLYDE HAYASHI

Your Committee received testimony in support of the nomination for the reappointment of Clyde Hayashi from the Contractors License Board; Prince Kūhiō Hawaiian Civic Club; Painters Labor Management Cooperation Fund, Tapers MRF, Glaziers Stabilization Fund, Carpet and Soft Tile MRF; and three individuals.

Upon review of the testimony, your Committee finds that Mr. Hayashi's background and dedication to serving the public qualify him to be reappointed to the Contractors License Board as a public member. Your Committee notes that Mr. Hayashi has over twelve years of experience working in labor-management stabilization/market recovery programs. Mr. Hayashi currently works in government affairs at the Hawaii Iron Workers' Stabilization Fund. Over the course of his career, he has worked for the Hawaii Masons' Union, Local 630; Hawaii Laborers-Employers Cooperation and Education Trust; Hawaii Nurses' Association; National AFL-CIO; and Aloha United Way/AFL-CIO Partnership. Your Committee finds that Mr. Hayashi has served as an interim member of the Contractors License Board since July 1, 2019, and has a thorough understanding of the role and responsibilities of board members. His extensive experience in labor and government relations will continue to enhance the effectiveness of the board. Your Committee therefore recommends that Clyde Hayashi be reappointed to the Contractors License Board based on his knowledge, background, and dedication to public service.

JOSEPH O'DONNELL

Your Committee received testimony in support of the nomination for the reappointment of Joseph O'Donnell from the Contractors License Board; Prince Kūhiō Hawaiian Civic Club; Painters Labor Management Cooperation Fund, Tapers MRF, Glaziers Stabilization Fund, Carpet and Soft Tile MRF; and two individuals.

Upon review of the testimony, your Committee finds that Mr. O'Donnell's background and dedication to serving the public qualify him to be reappointed to the Contractors License Board as a public member. Your Committee notes that Mr. O'Donnell has worked at the Ironworkers Union Local 625 for nearly thirty years as the Financial Secretary-Treasurer and Business Manager and a Business Agent. Previously, Mr. O'Donnell was an ironworker and has over fifty years of experience in the Hawaii construction industry. Mr. O'Donnell currently serves on the Honolulu Liquor Commission and Hawaii Occupational Safety and Health Advisory Committee and is a Trustee of the Hawaii Ironworkers Structural Pension Plan and Hawaii Ironworkers Administration Office. Your Committee finds that Mr. O'Donnell has served as an interim member of the Contractors License Board since July 1, 2019, and has a thorough understanding of the role and responsibilities of board members. His extensive experience in employee benefit trust funds will continue to enhance the effectiveness of the Contractors License Board. Your Committee therefore recommends that Joseph O'Donnell be reappointed to the Contractors License Board based on his knowledge, background, and dedication to public service.

ERIC HIGASHIHARA

Your Committee received testimony in support of the nomination for the reappointment of Eric Higashihara from the Contractors License Board and six individuals.

Upon review of the testimony, your Committee finds that Mr. Higashihara's background and dedication to serving the public qualify him to be reappointed to the Contractors License Board as a public member. Your Committee notes that Mr. Higashihara has been a private wealth advisor since 1997. He is currently the owner of an Ameriprise Financial franchise. Additionally, Mr. Higashihara serves on the Board of Trustees of Assets School and as a Finance Committee member of the Mid-Pacific Country Club. Your Committee further notes that Mr. Higashihara has served as an interim member of the Contractors License Board since July 1, 2019, and has a thorough understanding of the roles and responsibilities of its members. His extensive experience in financial planning will continue to enhance the effectiveness of the Contractors License Board. Your Committee therefore recommends that Eric Higashihara be reappointed to the Contractors License Board based on his knowledge, background, and dedication to public service.

LEONARD LEONG

Your Committee received testimony in support of the nomination for the reappointment of Leonard Leong from the Contractors License Board; Hawaii Laborers-Employers Cooperation and Education Trust; Pacific Resource Partnership; Hawaiian Dredging Construction Company, Inc.; Self-Help Housing Corporation of Hawaii; General Contractors Association of Hawaii; Paul's Electrical Contracting LLC; Hensel Phelps Construction Co.; Ralph S. Inouye Co, Ltd; Nordic PCL Construction; Hawaii Laborers' Union, Local 368; Alan Shintani, Inc.; and ten individuals.

Upon review of the testimony, your Committee finds that Mr. Leong's background and dedication to serving the public qualify him to be reappointed to the Contractors License Board as a general engineering or building contractor member. Your Committee notes that Mr. Leong is a licensed general contractor and has over fifty years of experience in general contracting, most of which with the Royal Contracting Company Limited. Mr. Leong's participation in professional organizations includes serving as the Director of the General Contractors Association of Hawaii, Trustee of the Hawaii Laborers Trust Fund, and Trustee of the Operating Engineers Local Union 3. Your Committee further notes that Mr. Leong has served on the Contractors License Board since July 1, 2014 and currently serves as the Vice-Chairperson and Rules Committee Chairperson. He has a thorough understanding of the roles and responsibilities of its members. His extensive experience in general engineering and building will continue to enhance the effectiveness of the Contractors License Board. Your Committee therefore recommends that Leonard Leong be reappointed to the Contractors License Board based on his knowledge, background, and dedication to public service.

LESLIE ISEMOTO

Your Committee received testimony in support of the nomination for the reappointment of Leslie Isemoto from the Contractors License Board; Hawaii Laborers-Employers Cooperation and Education Trust; Hawaii Laborers' Union; General Contractors Association of Hawaii; Hensel Phelps Construction Co.; Pacific Resource Partnership; Backyard Monkey LLC; Hawaiian Dredging Construction Company, Inc.; and seventeen individuals.

Upon review of the testimony, your Committee finds that Mr. Isemoto's background and dedication to serving the public qualify him to be reappointed to the Contractors License Board as a general engineering or building contractor member. Your Committee notes that Mr. Isemoto has thirty-two years of experience in the field of "A" general engineering and "B" general building contracting. He has served as the President and Responsible Managing Employee of Isemoto Contracting Co., Ltd. since 1997. Mr. Isemoto is a member of the Hawaii Island Contractors Association and Associated General Contractors of America and has served as a company representative to the Hawaii Island Chamber of Commerce, Japanese Chamber of Commerce and Industry, Kanoehua Area Industrial Association, and General Contractors Association of Hawaii. Your Committee further notes that Mr. Isemoto has served as a member of the Contractors License Board since January 19, 2016, and currently serves as the Co-Chairperson of the Scope of Activity Committee. He has a thorough understanding of the roles and responsibilities of its members. His extensive experience in contracting continue to enhance the effectiveness of the Contractors License Board. Your Committee therefore recommends that Leslie Isemoto be reappointed to the Contractors License Board based on his knowledge, background, and dedication to public service.

MAURICE TORIGOE

Your Committee received testimony in support of the nomination for the appointment of Maurice Torigoe from the Department of Commerce and Consumer Affairs and one individual.

Upon review of the testimony, your Committee finds that Mr. Torigoe's background and dedication to serving the public qualify him to be appointed to the Contractors License Board as a specialty contractor member. Your Committee notes that Mr. Torigoe has over fifty years of experience in the construction industry and has been a licensed journeyman plumber for thirty-four years and a licensed plumbing contractor in Hawaii since 1986. He began M. Torigoe Plumbing in 1985. Previously, Mr. Torigoe served on the Board of Electricians and Plumbers. Your Committee finds that Mr. Torigoe has a thorough understanding of the role and responsibilities of board members and his extensive experience in plumbing will enhance the effectiveness of the Contractors License Board. Your Committee therefore recommends that Maurice Torigoe be appointed to the Contractors License Board based on his knowledge, background, and dedication to public service.

NEALARITA

Your Committee received testimony in support of the nomination for the appointment and reappointment of Neal Arita from the Contractors License Board, Subcontractors Association of Hawaii, and three individuals.

Upon review of the testimony, your Committee finds that Mr. Arita's background and dedication to serving the public qualify him to be appointed to the Contractors License Board as a specialty contractor member. Your Committee notes that Mr. Arita has nearly thirty-years' experience in mechanical contracting and service. He is currently the Hawaii Market Manager at Carrier Corporation and serves as a member of the Contractor License Advisory Committee. Previously, Mr. Arita was the Executive Director of the Sheet Metal Contractors Association and Administrator for the Sheet Metal Industry Fund. Your Committee further notes that Mr. Arita has

served as an interim member of the Contractors License Board since July 1, 2019, and previously served the Board from 2005 to 2012. He has a thorough understanding of the roles and responsibilities of its members. His extensive experience in electronic systems, plumbing, refrigeration, sheet metal, and ventilating and air-conditioning will continue to enhance the effectiveness of the Contractors License Board. Your Committee therefore recommends that Neal Arita be appointed to the Contractors License Board based on his knowledge, background, and dedication to public service.

NICHOLAS TEVES, JR.

Your Committee received testimony in support of the nomination for the reappointment of Nicholas Teves, Jr. from the Contractors License Board and four individuals.

Upon review of the testimony, your Committee finds that Mr. Teves' background and dedication to serving the public qualify him to be reappointed to the Contractors License Board as a specialty contractor member. Your Committee notes that Mr. Teves has nearly fifty years of electrical contracting experience and has been the President of Commercial Electric, Inc. for forty-seven years. He holds supervising electrician, responsible managing employer, electrical contractor, and pole and line contractor licenses. He currently serves as Past President of the Pacific Electrical Contractors' Association and member of the Board of Directors of Sand Island Business Association. He previously served on the Board of Electricians and Plumbers and Aloha Tower Commission. Your Committee further notes that Mr. Teves has served as a member of the Contractors License Board since 2017, and has a thorough understanding of the roles and responsibilities of its members. His extensive experience in electrical contracting will continue to enhance the effectiveness of the Contractors License Board. Your Committee therefore recommends that Nicholas Teves, Jr. be reappointed to the Contractors License Board based on his knowledge, background, and dedication to public service.

PAUL ALEJADO

Your Committee received testimony in support of the nomination for the reappointment of Paul Alejado from the Contractors License Board and four individuals.

Upon review of the testimony, your Committee finds that Mr. Alejado's background and dedication to serving the public qualify him to be reappointed to the Contractors License Board as a general engineering or building contractor member. Your Committee notes that Mr. Alejado has over thirty years of experience in the construction industry and has worked as a general contractor at Noa Pacific Construction since 2004. Your Committee finds that Mr. Alejado has served as an interim member of the Contractors License Board since September 1, 2019, and has a thorough understanding of the role and responsibilities of board members. His extensive experience in the construction industry will continue to enhance the effectiveness of the Contractors License Board. Your Committee therefore recommends that Paul Alejado be reappointed to the Contractors License Board based on his knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3544 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 739, 740, 741, 742, 743, 744, and 745

Recommending that the Senate advise and consent to the nominations of the following:

POLICY ADVISORY BOARD FOR ELDER AFFAIRS

- G.M. No. 739 BARBARA SERVICE, for a term to expire 06-30-2023;
- G.M. No. 740 BARBARA YAMASHITA, for a term to expire 06-30-2024;
- G.M. No. 741 BEVERLY GOTELLI, for a term to expire 06-30-2021;
- G.M. No. 742 COLETTE BROWNE, for a term to expire 06-30-2023;
- G.M. No. 743 KATHLEEN WYATT, for a term to expire 06-30-2023;
- G.M. No. 744 MARILYN SEELY, for a term to expire 06-30-2023; and
- G.M. No. 745 ROBERTA MURRAY, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Barbara Service, Barbara Yamashita, Beverly Gotelli, Colette Browne, Kathleen Wyatt, Marilyn Seely, and Roberta Murray for service on the Policy Advisory Board for Elder Affairs.

BARBARA SERVICE

Your Committee received testimony in support of the nomination for the appointment of Barbara Service from the Executive Office on Aging, Policy Advisory Board for Elder Affairs, and one individual.

Upon review of the testimony, your Committee finds that Ms. Service's background and dedication to serving the public qualify her to be appointed to the Policy Advisory Board for Elder Affairs representing the city and county of Honolulu. Your Committee notes that Ms. Service has spent more than forty years working in public social services, most of which were spent within the child welfare system. Ms. Service is currently retired and serves as President of the Honolulu Chapter of the AARP, Treasurer of the Kokua Council, member of the Hawaii Alliance of Retired Americans Board of Directors, and is an active participant in the Hawaii State Legislature's Kupuna Caucus. Your Committee further notes that Ms. Service currently serves on the Legislative Committee of the Policy Advisory

Board for Elder Affairs and has a thorough understanding of the roles and responsibilities of the Board's members. Your Committee therefore recommends that Barbara Service be appointed to the Policy Advisory Board for Elder Affairs based on her knowledge, background, and dedication to public service.

BARBARA YAMASHITA

Your Committee received testimony in support of the nomination for the reappointment of Barbara Yamashita from the Executive Office on Aging, Policy Advisory Board for Elder Affairs, and one individual.

Your Committee notes that G.M. No. 740 incorrectly references the name of the board for which this nomination was submitted; however, the documents submitted by and on behalf of the nominee make clear that the nomination is for the Policy Advisory Board for Elder Affairs.

Upon review of the testimony, your Committee finds that Ms. Yamashita's background and dedication to serving the public qualify her to be reappointed to the Policy Advisory Board for Elder Affairs. Your Committee notes that Ms. Yamashita has extensive experience working in public health and human services, including hospital administration. She is currently retired and most recently served as the Deputy Director of the City and County of Honolulu Department of Community Services, and previously she served as the Deputy Director of Human Services. Your Committee further notes that Ms. Yamashita has served as a member of the Policy Advisory Board for Elder Affairs since 2017, and has a thorough understanding of the roles and responsibilities of its members. She demonstrates a commitment to promoting healthy and productive aging in Hawaii. Your Committee therefore recommends that Barbara Yamashita be reappointed to the Policy Advisory Board for Elder Affairs based on her knowledge, background, and dedication to public service.

BEVERLY GOTELLI

Your Committee received testimony in support of the nomination for the appointment of Beverly Gotelli from the Executive Office on Aging, Policy Advisory Board for Elder Affairs, and two individuals.

Upon review of the testimony, your Committee finds that Ms. Gotelli's background and dedication to serving the public qualify her to be appointed to the Policy Advisory Board for Elder Affairs as a member representing Kaua'i County. Your Committee notes that Ms. Gotelli is a retired middle school teacher with twenty-nine years of service to the Department of Education and currently serves as the President of the Hawaii State Teachers Association. Previously, Ms. Gotelli was a caregiver to her mother where she experienced issues facing Hawaii's kupuna first-hand. Your Committee further notes that Ms. Gotelli serves on the Legislative Committee of the Policy Advisory Board for Elder Affairs and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Beverly Gotelli be appointed to the Policy Advisory Board for Elder Affairs based on her knowledge, background, and dedication to public service.

COLETTE BROWNE

Your Committee received testimony in support of the nomination for the appointment of Colette Brown from the Executive Office on Aging, Policy Advisory Board for Elder Affairs, and two individuals.

Your Committee notes that G.M. No. 742 incorrectly references the name of the board for which this nomination was submitted; however, the documents submitted by and on behalf of the nominee make clear that the nomination is for the Policy Advisory Board for Elder Affairs.

Upon review of the testimony, your Committee finds that Dr. Browne's background and dedication to serving the public qualify her to be appointed to the Policy Advisory Board for Elder Affairs. Your Committee notes that Dr. Brown is a highly recognized and respected expert in the field of gerontology, in which she has more than forty years of experience. Dr. Browne recently retired from her roles as Chair of the Department of Social Work and Richard S. and T. Rose Takasaki Endowed Professor in Social Policy at the University of Hawaii's Myron B. Thompson School of Social Work and Administrator of Geriatric Programs at Kuakini Medical Center. She serves as a member of the Hawaii Pacific Gerontological Society, Hawaii Long Term Care Association, and AARP Women's Leadership Council-Hawaii, among others. Your Committee further notes that Dr. Browne has a thorough understanding of the role and responsibilities of board members and her extensive experience in gerontology, social work, and academia will continue to enhance the effectiveness of the Policy Advisory Board for Elder Affairs. Your Committee therefore recommends that Dr. Colette Browne be appointed to the Policy Advisory Board for Elder Affairs based on her knowledge, background, and dedication to public service.

KATHLEEN WYATT

Your Committee received testimony in support of the nomination for the reappointment of Kathleen Wyatt from the Executive Office on Aging, The Caregiver Foundation, and Hawai'i Family Caregiver Coalition.

Your Committee notes that G.M. No. 743 incorrectly references the name of the board for which this nomination was submitted; however, the documents submitted by and on behalf of the nominee make clear that the nomination is for the Policy Advisory Board for Elder Affairs.

Upon review of the testimony, your Committee finds that Ms. Wyatt's background and dedication to serving the public qualify her to be reappointed to the Policy Advisory Board for Elder Affairs. Your Committee notes that Ms. Wyatt is a registered nurse and has worked with the elderly for over twenty years as a nursing director and administrator in skilled nursing facilities. She currently works as the Founder and President of Hale Hau'oli Hawaii, an adult day care center that provides community education and caregiver support. She is active in several community organizations, including the Hawaii Pacific Gerontological Society, The Caregiver Foundation, Hawaii Family Caregiver Coalition, Kokua Council, Adult Day Centers Hawaii, Kokua Mau Hospice Palliative Care, West Oahu Community Coalition, Honolulu Community Coalition, and American College of Healthcare Executives. Your Committee further notes that Ms. Wyatt has served as an interim member of the Policy Advisory Board for Elder Affairs since 2017, and has a

thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Kathleen Wyatt be reappointed to the Policy Advisory Board for Elder Affairs based on her knowledge, background, and dedication to public service.

MARILYN SEELY

Your Committee received testimony in support of the nomination for the appointment of Marilyn Seely from the Executive Office on Aging, Policy Advisory Board for Elder Affairs, and one individual.

Your Committee notes that G.M. No. 744 incorrectly references the name of the board for which this nomination was submitted; however, the documents submitted by and on behalf of the nominee make clear that the nomination is for the Policy Advisory Board for Elder Affairs.

Upon review of the testimony, your Committee finds that Ms. Seely's background and dedication to serving the public qualify her to be appointed to the Policy Advisory Board for Elder Affairs. Your Committee notes that Ms. Seely has extensive experience in the fields of aging, long term care, and long term care services, including work as the Director of the Executive Office on Aging and an Aging Specialist in the Center on Aging at the University of Hawai'i. Ms. Seely is currently an active member on various boards of directors, including those of Hospice Hawaii, Kokua Council, and Kokua Mau, and is an active participant in the Hawaii State Legislature's Kupuna Caucus. Your Committee further notes that Ms. Seely served as a member of the Policy Advisory Board for Elder Affairs from July 2011 to June 2019, and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Marilyn Seely be appointed to the Policy Advisory Board for Elder Affairs based on her knowledge, background, and dedication to public service.

ROBERTA MURRAY

Your Committee received testimony in support of the nomination for the appointment of Roberta Murray from the Executive Office on Aging and two individuals.

Your Committee notes that G.M. No. 745 incorrectly references the name of the board for which this nomination was submitted; however, the documents submitted by and on behalf of the nominee make clear that the nomination is for the Policy Advisory Board for Elder Affairs.

Upon review of the testimony, your Committee finds that Ms. Murray's background and dedication to serving the public qualify her to be appointed to the Policy Advisory Board for Elder Affairs. Ms. Murray is currently retired after thirty-six years of experience in the communications and marketing field. Previously, she was the Vice President of Programming and Communications for PBS Hawaii and served as the Hawaii Media Specialist during the 2010 Census. Currently, Ms. Murray advocates for family caregivers in her role as a member of the Board of Directors of the Hawaii Community Caregiver Network. Your Committee further notes that Ms. Murray has a thorough understanding of the role and responsibilities of board members and her extensive experience in public relations and media communication will enhance the effectiveness of the Policy Advisory Board for Elder Affairs. Your Committee therefore recommends that Roberta Murray be appointed to the Policy Advisory Board for Elder Affairs based on her knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3545 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 625, 626, 627, and 628

Recommending that the Senate advise and consent to the nominations of the following:

HAWAI'I ADVISORY COMMISSION ON DRUG ABUSE AND CONTROLLED SUBSTANCES

- G.M. No. 625 JON FUJII, for a term to expire 06-30-2023;
- G.M. No. 626 KATHI CALLES, for a term to expire 06-30-2020;
- G.M. No. 627 KATHI CALLES, for a term to expire 06-30-2024; and
- G.M. No. 628 DIANA FELTON, for a term to expire 06-30-2021

Your Committee reviewed the personal histories, resumes, and statements submitted by Jon Fujii, Kathi Calles, and Diana Felton for service on the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances.

JON FUJII

Your Committee received testimony in support of the nomination for the appointment of Jon Fujii from the Department of Health, Department of Human Services, 'Ohana Health Plan, and one individual.

Upon review of the testimony, your Committee finds that Mr. Fujii's experience, background, and commitment to public service qualify him for appointment to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances in the role of a member of the State Council on Mental Health. Your Committee notes that Mr. Fujii is currently the acting Health Care Services Branch Administrator with the Med-QUEST Division, where he is responsible for the overall management and execution of Quest Integration and other medical assistance programs. Prior to that, Mr. Fujii served in a number of other roles with the Med-QUEST Division, as a Senior Contract Reimbursement Manager with Hawaii Pacific Health, and a Medical Economics Manager with Kapiolani Health Hawaii. Your Committee further finds that Mr. Fujii has a thorough understanding of the roles and responsibilities of Hawai'i Advisory Commission on Drug Abuse and Controlled Substances members and his knowledge and background will be assets to the

Commission. Your Committee therefore recommends that Mr. Fujii be appointed to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances based on his knowledge, experience, and commitment to public service.

KATHI CALLES

Your Committee received testimony in support of the nomination for the appointment and reappointment of Kathi Calles from the Department of Health, State of Hawai'i Judiciary, Hawaii High Intensity Drug Trafficking Area, and five individuals.

Upon review of the testimony, your Committee finds that Ms. Calles's professional experience, background, and desire to serve her community qualify her for appointment and reappointment to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances in the role of a member who represents the corrections segment of the community. Your Committee notes that Ms. Calles has over twenty years of experience in the substance abuse field and is currently a Program Specialist with the Hawaii State Judiciary where she manages and evaluates various substance abuse assessment and treatment contracts. Your Committee further finds that Ms. Calles has been a Certified Substance Abuse Counselor since 2003 and her knowledge and experience will continue to enhance the effectiveness of the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances. Your Committee therefore recommends that Ms. Calles be appointed and reappointed to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances based on her background, knowledge, and desire to contribute to the community.

DIANA FELTON

Your Committee received testimony in support of the nomination for the appointment of Diana Felton from the Department of Health and two individuals.

Upon review of the testimony, your Committee finds that Dr. Felton's experience, background, and commitment to public service qualify her for appointment to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances in the role of a member who represents the medical segment of the community. Your Committee notes that Dr. Felton is currently the State Toxicologist with the Department of Health's Hazard Evaluation and Emergency Response Office and is also a Hyperbaric Physician with the University of Hawaii Hyperbaric Treatment Center. Dr. Felton has also worked as an emergency physician and is board certified in medical toxicology and emergency medicine. Your Committee further notes that Dr. Felton previously served as a member of the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances from 2017-2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Dr. Felton be appointed to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances based on her knowledge, experience, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3546 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 629, 630, 631, 632, 633, 634, and 635

Recommending that the Senate advise and consent to the nominations of the following:

STATE COUNCIL ON MENTAL HEALTH

- G.M. No. 629 JON FUJII, for a term to expire 06-30-2023;
- G.M. No. 630 TIMOTHY LINO, for a term to expire 06-30-2023;
- G.M. No. 631 RUSNELL PASCUAL-KESTNER, for a term to expire 06-30-2023;
- G.M. No. 632 EILEEN LAU-JAMES, for a term to expire 06-30-2023;
- G.M. No. 633 BEATRICE MARTINEZ, for a term to expire 06-30-2023;
- G.M. No. 634 RICHARD RIES, for a term to expire 06-30-2024; and
- G.M. No. 635 ALEXANDRA MACIAS, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Jon Fujii, Timothy Lino, Rusnell Pascual-Kestner, Eileen Lau-James, Beatrice Martinez, Richard Ries, and Alexandra Macias for service on the State Council on Mental Health.

JON FUJII

Your Committee received testimony in support of the nomination for the appointment of Jon Fujii from the Department of Human Services, Department of Health, and 'Ohana Health Plan.

Upon review of the testimony, your Committee finds that Mr. Fujii's experience, background, and commitment to public service qualify him for appointment to the State Council on Mental Health in the role of an individual representing the principal state agency with respect to Medicaid and a representative of the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances. Your Committee notes that Mr. Fujii is currently the acting Health Care Services Branch Administrator of the Med-QUEST Division in the Department of Human Services where he leads the management and execution of the Division's medical assistance programs, including those that address mental health. Your Committee further notes that Mr. Fujii has over twenty years of experience in health care administration and finance, and his knowledge will continue to enhance the effectiveness of the State Council on Mental Health. Your Committee therefore recommends that Mr. Fujii be appointed to the State Council on Mental Health based on his background, experience, and commitment to public service.

TIMOTHY LINO

Your Committee received testimony in support of the nomination for the appointment of Timothy Lino from the Department of Health.

Upon review of the testimony, your Committee finds that Dr. Lino's experience, background, and commitment to public service qualify him for appointment to the State Council on Mental Health as a Department of Education member. Your Committee notes that Dr. Lino is currently the Administrator for the School Health Section of the Department of Education's Office of Curriculum, Instruction, and Student Support. Dr. Lino has thirty-five years of experience in the field of education and previously served a term on the State Council on Mental Health, including serving as its Second Vice Chair in 2019. Your Committee therefore recommends that Dr. Lino be appointed to the State Council on Mental Health based on his knowledge, experience, and commitment to public service.

RUSNELL PASCUAL-KESTNER

Your Committee received testimony in support of the nomination for the appointment of Rusnell Pascual-Kestner from the Department of Health.

Upon review of the testimony, your Committee finds that Mr. Pascual-Kestner's experience, background, and commitment to public service qualify him for appointment to the State Council on Mental Health as a vocational rehabilitation member. Your Committee notes that Mr. Pascual-Kestner is a Certified Rehabilitation Counselor and is currently the Vocational Rehabilitation Assistant Administrator for the Department of Human Services. Your Committee further notes that Mr. Pascual-Kestner has served as an interim member of the State Council on Mental Health since August 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. Pascual-Kestner be appointed to the State Council on Mental Health based on his knowledge, experience, and commitment to public service.

EILEEN LAU-JAMES

Your Committee received testimony in support of the nomination for the appointment of Eileen Lau-James from the Department of Health.

Upon review of the testimony, your Committee finds that Dr. Lau-James' experience, background, and commitment to public service qualify her for appointment to the State Council on Mental Health as a member representing families of adults with severe mental illness. Your Committee notes that Dr. Lau-James is a veterinarian, small business owner, mother, wife to a husband who suffers from schizoaffective disorder, and an advocate for families experiencing similar challenges with mental health services. Your Committee further notes that Dr. Lau-James has served as an interim member of the State Council on Mental Health since June 2019, was voted to serve as the Council's Secretary for fiscal year 2020, and accordingly has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Dr. Lau-James be appointed to the State Council on Mental Health based on her knowledge, experience, and commitment to public service.

BEATRICE MARTINEZ

Your Committee received testimony in support of the nomination for the appointment of Beatrice Martinez from the Department of Health, Hawaii Public Housing Authority, and three individuals.

Upon review of the testimony, your Committee finds that Ms. Martinez's experience, background, and commitment to public service qualify her for appointment to the State Council on Mental Health as a member representing the Hawaii Public Housing Authority. Your Committee notes that Ms. Martinez is currently the Resident Services Program Specialist with the Hawaii Public Housing Authority in the Department of Human Services. Ms. Martinez also has experience in the field of behavioral health and has assisted with housing, case management, and recovery support service coordination for the Adult Mental Health Division. Your Committee further notes that Ms. Martinez has served a prior term on the State Council on Mental Health and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Ms. Martinez be appointed to the State Council on Mental Health based on her knowledge, experience, and commitment to public service.

RICHARD RIES

Your Committee received testimony in support of the nomination for the reappointment of Richard Ries from the Department of Health and four individuals.

Upon review of the testimony, your Committee finds that Dr. Ries' experience, knowledge, and proven leadership on the State Council on Mental Health qualify him for reappointment to the Council as a member representing families of adults or children with serious emotional disturbances. Your Committee notes that Dr. Ries is a licensed clinical psychologist and currently works in private practice in the field of psychotherapy, focusing in areas of trauma, anxiety and depression, behavioral issues, and resiliency. Your Committee further finds that Dr. Ries has served on the Council since 2016 and currently serves as its Chair. Dr. Ries' experience and knowledge will continue to be assets to the State Council on Mental Health. Your Committee therefore recommends that Dr. Ries be reappointed to the State Council on Mental Health based on his experience, knowledge, and commitment to public service.

ALEXANDRA MACIAS

Your Committee received testimony in support of the nomination for the appointment of Alexandra Macias from the Department of Health.

Upon review of the testimony, your Committee finds that Ms. Macias' experience, background, and commitment to public service qualify her for appointment to the State Council on Mental Health as a member representing families of adults with severe mental illnesses. Your Committee notes that Ms. Macias is a graduate student at the Myron B. Thompson School of Social Work at the University of Hawaii at Manoa and is currently interning with Mental Health Kokua as a case manager, providing outreach, engagement, social rehabilitation, and resources to individuals who have experienced homelessness and have been diagnosed with serious mental illness. Your Committee further notes that Ms. Macias has served as an interim member of the State Council of Mental

Health since June 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Ms. Macias be appointed to the State Council on Mental Health based on her knowledge, experience, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, 2 (Wakai, Fevella).

SCRep. 3547 Labor, Culture and the Arts on H.B. No. 1700

The purpose and intent of this measure is to:

- (1) Specify that each Employer-Union Trust Fund (EUTF) trustee, in addition to the EUTF board, shall administer health and other benefit plans for the sole and exclusive benefit of EUTF beneficiaries; and
- (2) Repeal provisions requiring health and other benefit plans to be provided at an affordable cost to both public employers and public employees.

Your Committee received testimony in support of this measure from the University of Hawaii Professional Assembly and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO. Your Committee received testimony in opposition to this measure from the Department of Budget and Finance.

Your Committee finds that under existing law, EUTF trustees are required to consider both the public employers and public employees when designing and administering health and other benefit plans.

Your Committee has amended this measure by:

- (1) Making it effective upon its approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1700, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1700, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3548 Labor, Culture and the Arts on H.B. No. 1782

The purpose and intent of this measure is to limit the convictions that may be used by employers in making hiring decisions from all convictions in the most recent ten years to felony convictions and misdemeanor convictions that occurred in a certain time period.

Your Committee received testimony in support of this measure from the Department of Human Resources Development, Hawai'i Civil Rights Commission, Hawai'i State Commission on the Status of Women, Office of the Prosecuting Attorney of the County of Kaua'i, Office of Hawaiian Affairs, Hawai'i Friends of Restorative Justice, LGBT Caucus of the Democratic Party of Hawaii, Pride at Work – Hawaii, Community Alliance on Prisons, Hawai'i Health and Harm Reduction Center, Hawaiian Affairs Caucus of the Democratic Party of Hawaii, and twenty-seven individuals. Your Committee received testimony in opposition to this measure from Society for Human Resource Management Hawaii. Your Committee received comments on this measure from the Common Cause Hawaii, Securities Industry and Financial Markets Association, and Chamber of Commerce Hawaii.

Your Committee finds that the current ten-year lookback period for conviction records that employers are allowed to use in making hiring decisions should be shortened to reduce unnecessary employment discrimination against those with old and relatively minor conviction records. Your Committee further finds that reducing the 10-year lookback time period for convictions to 5-years and 3-years for felony and misdemeanor convictions, respectively, will support the employment prospects of those with a criminal history and aid in the individual's rehabilitation. Economic self-sufficiency has been shown to reduce crime and recidivism rates.

Your Committee notes that S.B. No. 2193, (Regular Session of 2020), which was previously passed by the Senate, is substantially similar to this measure, and establishes the 5-year and 3-year look back period. Your Committee has heard the testimony of the Hawaii Civil Rights commission requesting that these provisions be re-inserted.

Your Committee has also heard the concerns of Securities Industry and Financial Markets Association that for consumer safety reasons, the employment of professionals registered as broker-dealers, investment advisers, or federal covered investment advisers, are subject to the federal Securities Exchange Act, which precludes persons with certain felony and misdemeanor convictions from working in the industry for ten years.

Therefore, your Committee has amended this measure by:

- (1) Specifying a 5-year limitation for felony convictions and a 3-year limitation for misdemeanor convictions for the lookback period;
- (2) Inserting an additional exemption under section 378-2.5(d) to include:
 - (A) Broker-dealers;
 - (B) Investment advisers; and

(C) Federal covered investment advisers; and

- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Furthermore, your Committee finds that data relating to recidivism is conflicting. According to the 2018 study on recidivism by the Hawaii State Department of Health, 63.2 percent of offenders were arrested for a new offense within the first year of release and 88.9 percent within the first 2 years. Conversely, according to data from the same year conducted nationwide by the United States Department of Justice:

- (1) 83 percent of prisoners released were arrested at least once during the 9 years following their release;
- (2) 44 percent of the prisoners released were arrested within the first year;
- (3) 68 percent of the prisoners in the study arrested within 3 years after their release; and
- (4) 79 percent were arrested within 6 years.

Your Committee finds that this issue raises concerns that merit further consideration and respectfully requests that your Committee on Judiciary further examine the issue.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1782, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1782, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3549 Labor, Culture and the Arts on H.B. No. 2273

The purpose and intent of this measure is to increase the penalty for violations of wages and hours laws to a class C felony.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations; United Public Workers, AFSCME Local, 646 AFL-CIO; Democratic Party of Hawaii Labor Caucus; and one individual. Your Committee received testimony in opposition to this measure from the Hawaii Food Industry Association. Your Committee received comments on this measure from Chamber of Commerce Hawaii.

Your Committee finds that several states have increased penalties for employers who failed to pay their employees lawfully earned wages, sometimes referred to as “wage theft”. Further, your Committee finds that state labor laws should protect workers from this type of practice.

Your Committee notes that existing law treats acts of wage theft as misdemeanors punishable by fines of \$50 to \$500 for violations of the Wage and Hour Law, and fines of \$100 to \$10,000 for violations of the Payment of Wages Law. Imprisonment for up to one year may also apply. Your Committee further finds that section 707-660, Hawaii Revised Statutes, imposes a prison sentence of up to five years for a class C felony, and section 706-640, Hawaii Revised Statutes, authorizes a fine of up to \$10,000. Your Committee has heard the concerns of the Department of Labor and Industrial Relations that these Class C felony provisions do not indicate a minimum fine amount and suggests a \$500 fine would be an appropriate minimum amount.

Your Committee has amended this measure by:

- (1) Inserting a standard of “knowingly” to clarify that the wage theft is intentional; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2273, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2273, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3550 Labor, Culture and the Arts on H.B. No. 2350

The purpose and intent of this measure is to update various assessments and penalties under the Department of Labor and Industrial Relations’ jurisdiction by revising the monetary assessments according to changes in the Consumer Price Index.

Your Committee received testimony in support of this measure from Pacific Resource Partnership and Hawaii Regional Council of Carpenters. Your Committee received comments on this measure from the Department of Labor and Industrial Relations and United Public Workers, AFSCME Local 646, AFL-CIO.

Your Committee finds that the penalties in this measure have not been raised since the enactment of the establishing statutes. According to the Bureau of Labor Statistics, the equivalent of many of the penalties with inflation were often double the current statutorily set amount. As such, your Committee also finds, these penalties have lost their deterrent effect and that meaningful increases are needed to keep unfair treatment in check. Adjusting the penalties to keep pace with the cost of living demonstrates the State’s investment in workers as well as its support for sustaining responsible employers who follow the labor laws.

Your Committee has amended this measure by:

- (1) Making it effective upon its approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2350, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2350, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3551 Labor, Culture and the Arts on H.B. No. 2753

The purpose and intent of this measure is to establish and codify a state YouthBuild program in the Department of Labor and Industrial Relations(DLIR), and require DLIR to establish program requirements similar to the federal YouthBuild grants awarded by the United States Department of Labor.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations, LGBT Caucus of the Democratic Party of Hawaii, Hawaii State Teachers Association, Hawaiian Community Assets and Hawaii Community Lending, and one individual.

Your Committee finds that YouthBuild is an alternative education and occupation skills training program that focuses on preparing disadvantaged and low-income youth to become part of a critical “young adult pipeline” of workers providing participants with marketable skills and brighter futures. Developing a skilled construction workforce can also help to increase the supply of affordable housing for Hawaii’s families.

Your Committee notes that DLIR has indicated that there are a number of variables that makes it difficult to estimate the appropriation required to fund the State’s matching and administrative costs for this measure. Accordingly, your Committee further notes that the amount of funds appropriated has not been specified and requests that the Committee on Ways and Means determine an amount to be appropriated.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2753, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3552 Transportation on S.C.R. No. 12

The purpose and intent of this measure is to urge the Federal Aviation Administration to take action regarding commercial helicopter tour operations in Hawaii.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Office of the Mayor, County of Hawai‘i; Hawaii Island Coalition Malama Pono; Windward Coalition; O‘ahu Tour Helicopter Safety and Noise Inter-Action Group; Pearl City Neighborhood Board Chair; and seven individuals.

Your Committee finds that commercial helicopter tours have become a nuisance to many residents in areas over which tour helicopters fly, as the lack of regulation and popularity of this visitor activity have led to their significant increase. Your Committee further finds that the distress and disruption caused by chronic helicopter noise has become a public health concern and comprehensive regulation of these helicopters and the enforcement of those regulations are necessary. To address these concerns, this measure urges the Federal Aviation Administration to:

- (1) More aggressively enforce existing laws against commercial tour operators in the State;
- (2) Increase minimum flight altitudes for helicopters;
- (3) Mandate offshore tour aircraft routes when appropriate; and
- (4) Create air tour management plans for national parks in Hawaii.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 12 and recommends that it be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3553 Transportation on S.R. No. 13

The purpose and intent of this measure is to urge the Federal Aviation Administration to take action regarding commercial helicopter tour operations in Hawaii.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that commercial helicopter tours have become a nuisance to many residents in areas over which tour helicopters fly, as the lack of regulation and popularity of this visitor activity have led to their significant increase. Your Committee further finds that the distress and disruption caused by chronic helicopter noise has become a public health concern and comprehensive regulation of these helicopters and the enforcement of those regulations are necessary. To address these concerns, this measure urges the Federal Aviation Administration to:

- (1) More aggressively enforce existing laws against commercial tour operators in the State;

- (2) Increase minimum flight altitudes for helicopters;
- (3) Mandate offshore tour aircraft routes when appropriate; and
- (4) Create air tour management plans for national parks in Hawaii.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 13 and recommends that it be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3554 Labor, Culture and the Arts on H.B. No. 2054

The purpose and intent of this measure is to prohibit an employer from:

- (1) Requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault; and
- (2) Retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

Your Committee received testimony in support of this measure from the Department of Human Services, Hawai'i Civil Rights Commission, Hawai'i State Commission on the Status of Women, LGBT Caucus of the Democratic Party of Hawaii, Pride at Work – Hawaii, Hawaii Women's Coalition, American Association of University Women of Hawaii, Hawai'i Women Lawyers, Planned Parenthood Votes Northwest and Hawaii, Screen Actors Guild – American Federation of Television and Radio Artists Hawaii Local, and seven individuals. Your Committee received comments to this measure from The Queen's Health Systems.

Your Committee finds that agreements that prevent disclosure of sexual assault and sexual harassment as a condition of employment silence victims of sexual harassment, sometimes allowing harassers to continue sexual harassment of other employees. There is also a concern that nondisclosure agreements enable repeat offenders to engage in a pattern of sexual harassment. Your Committee further finds that many victims of sexual assault and harassment do not report it because of fear of retaliation. This measure will help end the silencing of victims by banning nondisclosure agreements that prevent disclosure of sexual assault and harassment and by prohibiting employers from retaliating against an employee for disclosing sexual harassment and assault.

Your Committee has heard the concerns of the Hawai'i Civil Rights Commission regarding designated placement of the measure in chapter 378, Hawaii Revised Statutes. Your Committee has also heard the testimony of the Queen's Health System regarding peer review privileges.

Accordingly, your Committee has amended this measure by:

- (1) Placing the proposed new section in part I of chapter 378 Hawaii Revised Statutes, to ensure that enforcement and remedies are available;
- (2) Adding an exemption to subsection (c), to conform with bylaws of The Queen's Medical Health System;
- (3) Changing the effective date to upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2054, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2054, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3555 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 2292

The purpose and intent of this measure is to:

- (1) Repeal the ban on electric guns;
- (2) Restrict the ownership, use, storage, and disposal of electric guns;
- (3) Authorize the use of electric guns under certain circumstances;
- (4) Regulate the sale, distribution, and transfer of electric guns;
- (5) Require training and education on electric guns;
- (6) Prohibit the carrying or use of electric guns in the commission of crimes; and
- (7) Establish permitting requirements to acquire electric projectile guns and registration requirements for all electric guns.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Honolulu Police Department, Hawaii Hunting Association, and four individuals. Your Committee received testimony in opposition to this measure from a substantial number of individuals.

Your Committee finds that the constitutionality of Hawaii's electric gun ban has been drawn into question by the United States Supreme Court decision in Caetano v. Massachusetts, 136 S. Ct. 1027 (2016). Your Committee further finds that a pending lawsuit in the United States District Court for the District of Hawaii, Roberts v. Ballard, 18-00125 HG-KSC, is seeking a declaratory judgment and injunction to invalidate Hawaii's electric gun ban. If Hawaii's electric gun ban is invalidated by the courts, there will be no

regulations on the purchase, possession, and use of electric guns by the public. This measure will repeal Hawaii's ban on electric guns, establish a regulatory framework for the sale and possession of electric guns, and limit the use of electric guns to self defense.

Your Committee has amended this measure by:

- (1) Clarifying that a permit issuing authority shall perform a fingerprint-based background check before any determination to issue a permit or deny an application is made, rather than require the authority to perform an inquiry on an applicant by using the International Justice and Public Safety Network and other networks;
- (2) Clarifying that a licensee is required to post a license to sell, distribute, or otherwise transfer cartridges, in addition to electric guns; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2292, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2292, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Harimoto, Nishihara).

SCRep. 3556 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 2709

The purpose and intent of this measure is to:

- (1) Require a personal representative of a decedent appointed under the Uniform Probate Code to notify the police department in the appropriate county of any and all firearms in an estate; and
- (2) Require the police department to certify that all firearms in an estate and other firearms of which the police department has been notified are properly transferred or disposed of before the estate closes.

Your Committee received testimony in support of this measure from the Honolulu Police Department, and three individuals. Your Committee received testimony in opposition to this measure from five individuals. Your Committee received comments on this measure from the Office of the Mayor of the County of Hawai'i.

Your Committee finds that the State has strong gun safety laws in place for the protection of its residents and visitors. Despite these laws, gun related crimes are increasing throughout the State. Recently, two police officers were shot and killed in the line of duty, allegedly due to improperly registered firearms found in an estate that belonged to a decedent. Your Committee further finds that existing law is silent in regard to requiring a personal representative to notify the appropriate police department about any firearms in an estate. This measure will allow police departments to account for firearms that may be left behind when a person passes away and will promote the proper disposal or transfer of those firearms.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2709, H.D. 2, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Harimoto, Nishihara).

SCRep. 3557 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 2744

The purpose and intent of this measure is to:

- (1) Establish the Gun Violence and Violent Crimes Commission;
- (2) Make it a class C felony to purchase, manufacture, or otherwise obtain firearm parts for the purpose of assembling a firearm having no serial number; and
- (3) Amend certain requirements relating to firearms registration.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Hawai'i Police Department, Church of the Crossroads, Hawaii Coalition to Prevent Gun Violence, Americans for Democratic Action, Everytown for Gun Safety, and thirty-two individuals. Your Committee received testimony in opposition to this measure from the Civil Beat Law Center for the Public Interest, Hawaii Firearms Coalition, National Rifle Association of America, and numerous individuals. Your Committee received comments on this measure from the Office of the Mayor of the County of Hawaii and Common Cause Hawaii.

Your Committee finds that gun violence and violent crimes continue to be a major concern of the State. Your Committee believes that more oversight on gun violence and violent crimes that occur throughout the State is necessary to provide a safe environment for residents and visitors of the State. Having a state entity that is responsible to research and coordinate preventative measures against gun violence and violent crimes will allow the State to ensure the public's safety.

Your Committee also finds that a ghost gun is a firearm that is assembled without serial numbers or other identification markings. The lack of serial number or other identification markings makes it difficult to locate the gun owner if used for unlawful purposes. Your Committee further finds that a ghost gun can easily be assembled from a prepackaged kit, requiring only minimal expertise, thereby bypassing background checks, registration, and other legal requirements. Your Committee finds that the State does not have any laws that address ghost guns, thereby potentially endangering people by allowing persons who are prohibited from obtaining firearms to possess a ghost gun. Your Committee believes the State needs to be proactive with regard to ghost guns in order to ensure the safety of its residents and visitors.

Your Committee has amended this measure by:

- (1) Adding one representative from Everytown for Gun Safety and one representative from a firearm advocacy group to the membership of the Gun Violence and Violent Crimes Commission;
- (2) Deleting the definition of “ghost gun” as it is not used in the substantive portion of the measure; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2744, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2744, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Harimoto, Nishihara).

SCRep. 3558 Labor, Culture and the Arts on H.B. No. 1701

- (1) Conform statutory prohibitions against wage discrimination with other prohibitions on employment discrimination;
- (2) Clarify allowable justifications for compensation differentials and remedies for pay disparity; and
- (3) Require employers to disclose wage ranges to employees and prospective employees.

Your Committee received testimony in support of this measure from Hawai‘i Civil Rights Commission, Hawai‘i State Commission on the Status of Women, Common Cause Hawaii, Pono Hawai‘i Initiative, LGBT Caucus of the Democratic Party of Hawaii, Pride at Work – Hawaii, Hawaii Women’s Coalition, American Association of University Women of Hawaii, Planned Parenthood Votes Northwest and Hawaii, Hawaii Appleseed Center for Law and Economic Justice, The Queen’s Health Systems, and six individuals. Your Committee received testimony in opposition to this measure from Island Plastic Bags, Inc. and the Maui Chamber of Commerce. Your Committee received comments on this measure from Hawai‘i Pacific Health, Hawaii Credit Union League, Hawaii Food Industry Association, Chamber of Commerce Hawaii, Society for Human Resource Management, and the Building Industry Association of Hawaii.

Your Committee continues its commitment to ensuring that women and men are paid equally for work that is substantially equal with respect to the skill, effort, and responsibility required to perform the work and the conditions under which the work is performed. Similarly, your Committee proudly notes that Hawaii has led the way on many civil rights issues and that this measure is consistent with those achievements.

Your Committee has heard the testimony of the Hawai‘i State Commission on the Status of Women expressing concerns that women are often penalized for initiating pay negotiations. Your Committee finds that this issue raises concerns that merit further consideration. Your Committee also notes the Paycheck Fairness Act, H.R. 7, 116th Cong. (2019), which was adopted by the House of Representatives on March 27, 2019, is pending in the United States Senate. H.R. 7 proposes amendments to the Fair Labor Standards Act of 1938 to provide additional remedies to victims of discrimination in the payment of wages on the basis of sex. As suggested by H.R. 7, your Committee encourages the Department of Labor and Industrial Relations, Hawaii Civil Rights Commission, and the University of Hawaii to consider the development and implementation of a wage and salary negotiation skills training program to be available to all members of the workforce in order to address inequities in employer-employee negotiations on compensation.

Further, your Committee has concerns about an apparent incongruity or “catch-22” conflict in this measure regarding the consequences of an applicant’s voluntary disclosure of salary history to an employer, who is then permitted to verify the applicant’s salary history and consider that information to determine any compensation offer to the applicant. Your Committee requests that the Committee on Judiciary more fully evaluates section 378-2.4(b), Hawaii Revised Statutes, set forth in section 3 of this measure, to determine whether the proviso regarding an applicant’s voluntary disclosure of salary history negates the protections currently set forth in Part I of chapter 378, Hawaii Revised Statutes, or now proposed to be provided to an applicant for employment.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1701, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1701, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3559 Labor, Culture and the Arts on H.B. No. 2148

The purpose and intent of this measure is to:

- (1) Extend Hawaii family leave to include care for employees’ grandchildren;
- (2) Define “sibling”; and
- (3) Amend the definition of “child” to include grandchildren.

Your Committee received testimony in support of this measure from the Department of Human Services; Department of Labor and Industrial Relations; Hawai‘i State Commission on the Status of Women; United Public Workers, AFSCME Local 646, AFL-CIO; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Maui Chamber of Commerce; Community Alliance on Prisons; and three individuals. Your Committee received comments on this measure from the Hawaii Food Industry Association and Chamber of Commerce Hawaii.

Your Committee finds that Hawaii's multi-generational households consist of grandparents who are often the primary caregivers of their grandchildren. However, existing law does not allow protected leave for grandparents to care for their grandchildren. Your Committee further finds that by providing grandparents protected leave, the struggle with the decision to forgo employment and income to care for a family member with a serious health condition is alleviated, affording economic security to families during difficult life situations.

Your Committee has amended this measure by:

- (1) Removing the amended definition of "child";
- (2) Inserting "grandchild" where appropriate to assure that the intent of this measure is effectuated;
- (3) Changing the effective date to July 1, 2020; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2148, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2148, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3560 Water and Land on Gov. Msg. No. 780

Recommending that the Senate advise and consent to the nomination of the following:

NATURAL AREA RESERVES SYSTEM COMMISSION

G.M. No. 780 ANGELA HIILEI KAWELO, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Angela Hiilei Kawelo for service on the Natural Area Reserves System Commission.

Your Committee received testimony in support of the nomination for the reappointment of Angela Hiilei Kawelo from the Department of Land and Natural Resources, Hawaii State Aha Moku Advisory Committee, Office of Hawaiian Affairs, Ko'olaupoko Hawaiian Civic Club, KEY Project, and two individuals.

Upon review of the testimony, your Committee finds that Angela Hiilei Kawelo's experience, knowledge, and proven leadership on the Natural Area Reserves System Commission qualify her for reappointment to the Natural Area Reserves System Commission. Your Committee notes that for almost thirteen years, Ms. Kawelo has been the Executive Director of Paepae o He'eia, a non-profit organization dedicated to caring for an eighty-eight-acre, ancient Hawaiian fishpond on Oahu. Your Committee finds that Ms. Kawelo is an active member of various professional organizations and advisory committees, including Hui Ulu Mea 'Ai, Papahana Kuaola, Sea Grant Hawai'i, and KUA. Your Committee further finds that Ms. Kawelo has served as a commissioner on the Natural Area Reserves System Commission since 2016 and as a commissioner on the Legacy Land Conservation Commission since 2017. Ms. Kawelo's knowledge and experience will continue to enhance the effectiveness of the Natural Area Reserves System Commission. Your Committee therefore recommends that Ms. Kawelo be reappointed to the Natural Area Reserves System Commission based on her background, knowledge, and desire to contribute to the community.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3561 Water and Land on Gov. Msg. No. 779

Recommending that the Senate advise and consent to the nomination of the following:

LEGACY LAND CONSERVATION COMMISSION

G.M. No. 779 WILLIAM ALBERT HAASE, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by William Albert Haase for service on the Legacy Land Conservation Commission.

Your Committee received testimony in support of the nomination for the reappointment of William Albert Haase from the Department of Land and Natural Resources and one individual.

Upon review of the testimony, your Committee finds that William Albert Haase's experience, knowledge, and proven leadership on the Legacy Land Conservation Commission qualify him for reappointment to the Commission. Your Committee notes that Mr. Haase has been the Executive Director of the Molokai Land Trust since 2008. Previously, Mr. Haase was Project Director for Hui Ho'olana, a reforestation project, from 1997 to 2015. Your Committee further notes that Mr. Haase has served on the Legacy Land Conservation Commission as Chairman since 2016. Your Committee finds that William Albert Haase has a thorough understanding of the role and responsibilities of board members and his extensive experience in conservation and land management will continue to enhance the effectiveness of the Legacy Land Conservation Commission. Your Committee therefore recommends that William Albert Haase be reappointed to the Legacy Land Conservation Commission based on his experience, knowledge, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3562 Water and Land on Gov. Msg. No. 588

Recommending that the Senate advise and consent to the nomination of the following:

GAME MANAGEMENT ADVISORY COMMISSION

G.M. No. 588 NANCY TIMKO, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Nancy Timko for service on the Game Management Advisory Commission.

Your Committee received testimony in support of the nomination for the reappointment of Nancy Timko from the Department of Land and Natural Resources and two individuals.

Upon review of the testimony, your Committee finds that Ms. Timko's experience, knowledge, and proven leadership on the Game Management Advisory Commission qualify her for reappointment to the Game Management Advisory Commission to serve as the member representing the City and County of Honolulu. Your Committee notes that Ms. Timko is a licensed hunter and is the President-Elect of the Safari Club International, Hawaii Chapter, where she has been a member of the Board since 2012. Ms. Timko has also been an asset to the Hawaii Conservation and Wilderness Education Project annual youth camp. Your Committee finds that Ms. Timko has a thorough understanding of the role and responsibilities of board members and her extensive experience in hunter education, conservation, and game management will continue to enhance the effectiveness of the Game Management Advisory Commission. Your Committee therefore recommends that Nancy Timko be reappointed to the Game Management Advisory Commission based on her knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3563 Water and Land on Gov. Msg. Nos. 776, 777, and 778

Recommending that the Senate advise and consent to the nominations of the following:

KANE'OHE BAY REGIONAL COUNCIL

G.M. No. 776 CEDRIC BERTELMANN, for a term to expire 06-30-2020;

G.M. No. 777 CEDRIC BERTELMANN, for a term to expire 06-30-2024; and

G.M. No. 778 FREDERICK REPPUN, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Cedric Bertelmann and Frederick Reppun for service on the Kane'ohe Bay Regional Council.

CEDRIC BERTELMANN

Your Committee received testimony in support of the nomination for the appointment and reappointment of Cedric Bertelmann from the Department of Land and Natural Resources, Aha Moku Advisory Committee, Ko'olaupoko Hawaiian Civic Club, and one individual.

Upon review of the testimony, your Committee finds that Cedric Bertelmann's professional experience, background, and desire to serve his community qualify him for appointment and reappointment to the Kane'ohe Bay Regional Council as a voting member representing the Kane'ohe Bay Recreational Boating Association. Your Committee notes that Mr. Bertelmann has been a fishing vessel owner and captain for over eighteen years. Mr. Bertelmann also has served on the Honolulu Fire Department's All-Hazards Incident Management Team since 2014. As the current Logistics Section Chief of the All-Hazards Incident Management Team, Mr. Bertelmann manages and oversees the deployment of fire fighters during natural disasters, pre-planned events, and large-scale events. Your Committee further notes that Mr. Bertelmann is an active member with the canoe clubs of Kaneohe, He'eia State Park, and other nonprofit organizations benefitting Kaneohe Bay. Your Committee finds that Mr. Bertelmann's leadership and experience in recreational, subsistence, and commercial fishing will enhance the effectiveness of the Kane'ohe Bay Regional Council. Your Committee therefore recommends that Cedric Bertelmann be appointed and reappointed to the Kane'ohe Bay Regional Council based on his background, knowledge, and desire to contribute to the community.

FREDERICK REPPUN

Your Committee received testimony in support of the nomination for the appointment of Frederick Reppun from the Department of Land and Natural Resources, Aha Moku Advisory Committee, University of Hawaii System, He'eia National Estuarine Research Reserve, Ko'olaupoko Hawaiian Civic Club, KEY Project, and one individual.

Upon review of the testimony, your Committee finds that Frederick Reppun's background and desire to serve his community qualify him to be appointed to the Kane'ohe Bay Regional Council. Mr. Reppun is currently a faculty member at the Hawaii Institute of

Marine Biology and coordinates the education programs of the He'eia National Estuarine Research Reserve. Mr. Reppun has earned a master's degree in environmental science with a specialization in agroecosystem science from Ohio State University and bachelor's degree in environmental science and public policy from Harvard University. Your Committee finds that Mr. Reppun's technical experience and knowledge in the latest scientific research in adaptive management will enhance the effectiveness of the Kane'ohe Bay Regional Council. Your Committee therefore recommends that Frederick Reppun be appointed to the Kane'ohe Bay Regional Council based on his knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Water and Land that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3564 Water and Land on Gov. Msg. Nos. 773, 774, and 775

Recommending that the Senate advise and consent to the nominations of the following:

KAHO'OLAWE ISLAND RESERVE COMMISSION

- G.M. No. 773 CARMEN LINDSEY, for a term to expire 06-30-2023;
- G.M. No. 774 MICHELLE PESCAIA, for a term to expire 06-30-2021; and
- G.M. No. 775 SAUMALU MATAAFA, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Carmen Lindsey, Michelle Pescaia, and Saumalu Mataafa for service on the Kaho'olawe Island Reserve Commission.

CARMEN LINDSEY

Your Committee received testimony in support of the nomination for the appointment of Carmen Lindsey from the Department of Land and Natural Resources, Kaho'olawe Island Reserve Commission, Office of Hawaiian Affairs, and thirteen individuals.

Upon review of the testimony, your Committee finds that Ms. Lindsey's background and dedication to serving the public qualify her to be appointed to the Kaho'olawe Island Reserve Commission as a member representing the Office of Hawaiian Affairs. Your Committee notes that Ms. Lindsey is a native Hawaiian who has cultural knowledge of Kaho'olawe and has a strong background in business and legislative affairs. Ms. Lindsey has represented Maui as an Office of Hawaiian Affairs Trustee since 2012, is the owner of Lindsey Realty and Kahulu Production, and is a well-known recording artist. Ms. Lindsey is actively engaged in her community, served a prior term on the Kaho'olawe Island Reserve Commission from 2015 to 2019, and has a thorough understanding of the role and responsibilities of its members. Your Committee therefore recommends that Ms. Lindsey be appointed to the Kaho'olawe Island Reserve Commission based on her extensive knowledge of Hawaiian culture and dedication to public service.

MICHELLE PESCAIA

Your Committee received testimony in support of the nomination for the appointment of Michelle Pescaia from the Department of Land and Natural Resources, Kaho'olawe Island Reserve Commission, Protect Kaho'olawe 'Ohana, and sixteen individuals.

Upon review of the testimony, your Committee finds that Ms. Pescaia's experience, background, and commitment to public service qualify her for appointment to the Kaho'olawe Island Reserve Commission as a member representing Protect Kaho'olawe 'Ohana. Your Committee notes that Ms. Pescaia has a strong cultural connection to Kaho'olawe and has traveled to the island on numerous occasions to share her knowledge of the cultural sites and participate in cultural and religious ceremonies. Ms. Pescaia graduated from the University of Hawaii at Manoa with a bachelor's degree in Hawaiian Language and is currently an Interpretive Park Ranger at Kalaupapa National Historical Park. Your Committee further notes that Ms. Pescaia has been an interim member of the Kaho'olawe Island Reserve Commission since August 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Ms. Pescaia be appointed to the Kaho'olawe Island Reserve Commission based on her knowledge of Hawaiian cultural resource management and commitment to public service.

SAUMALU MATAAFA

Your Committee received testimony in support of the nomination for the appointment of Saumalu Mataafa from the Kaho'olawe Island Reserve Commission, Office of the Mayor of Maui County, and thirteen individuals.

Upon review of the testimony, your Committee finds that Mr. Mataafa's experience, background, and commitment to public service qualify him for appointment to the Kaho'olawe Island Reserve Commission as a member representing Maui County. Your Committee notes that Mr. Mataafa currently works in the County of Maui's Department of Management and has extensive experience researching, drafting policies, and managing projects. Prior to that, Mr. Mataafa served as a Policy, Budget, and Communications Liaison and Legislative Analyst in Maui County. Your Committee further notes that Mr. Mataafa has previous experience volunteering with the Kaho'olawe Island Reserve Commission, has served as an interim member of the Commission since July 2019, and accordingly has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. Mataafa be appointed to the Kaho'olawe Island Reserve Commission based on his administrative experience, knowledge, and commitment to serving the public.

As affirmed by the records of votes of the members of your Committee on Water and Land that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3565 Water and Land on Gov. Msg. Nos. 586 and 768

Recommending that the Senate advise and consent to the nominations of the following:

COMMISSION ON WATER RESOURCE MANAGEMENT

G.M. No. 586 MICHAEL BUCK, for a term to expire 06-30-2023; and

G.M. No. 768 NEIL HANNAHS, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Michael Buck and Neil Hannahs for service on the Commission on Water Resource Management.

MICHAEL BUCK

Your Committee received testimony in support of the nomination for the appointment of Michael Buck from the Department of Land and Natural Resources, Aha Moku Advisory Committee, Office of Hawaiian Affairs, Board of Water Supply, Native Hawaiian Legal Corporation, and two individuals.

Upon review of the testimony, your Committee finds that Michael Buck's background and dedication to serving the public qualify him to be appointed to the Commission on Water Resource Management. Your Committee notes that Mr. Buck was active in managing Hawaii's priority forested watershed and advocating for forest stewardship and recovery for twenty-seven years. From 1977 to 2004, Mr. Buck served in the Department of Land and Natural Resources as a State Forester and Wildlife Director, Natural Area Reserves Coordinator and Resources Management Forester, and Resource Survey Forester for the Division of Forestry and Wildlife. From 2004 to 2014, Mr. Buck was the Sustainable Forests Representative for the National Association of State Foresters. Presently, Mr. Buck is a farmer in Waimanalo. Your Committee finds that Mr. Buck has a thorough understanding of the role and responsibilities of board members and his extensive experience in water and forest conservation will continue to enhance the effectiveness of the Commission on Water Resource Management. Your Committee therefore recommends that Mr. Buck be appointed to the Commission on Water Resource Management based on his knowledge, background, and dedication to public.

NEIL HANNAHS

Your Committee received testimony in support of the nomination for the reappointment of Neil Hannahs from the Department of Land and Natural Resources, Aha Moku Advisory Committee, Office of Hawaiian Affairs, Board of Water Supply, Native Hawaiian Legal Corporation, Kualoa Ranch, Merriman's Restaurants Ponoholo Ranch Limited, and nine individuals.

Upon review of the testimony, your Committee finds that Neil Hannahs' experience, knowledge, and proven leadership on the Commission on Water Resource Management qualify him for reappointment to the Commission on Water Resource Management. Your Committee notes that Mr. Hannahs has dedicated over forty years of service in developing, implementing, managing, and evaluating educational services designed to improve the capability and well-being of Hawaiian beneficiaries. Mr. Hannahs has thirty-three years of executive level experience working with Kamehameha Schools. Your Committee further finds that Mr. Hannahs has served on the Commission on Water Resource Management since 2016. Mr. Hannah's experience and knowledge will continue to be assets to the Commission on Water Resource Management. Your Committee therefore recommends that Mr. Hannahs be reappointed to the Commission on Water Resource Management based on his experience, knowledge, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Water and Land that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3566 Water and Land on Gov. Msg. Nos. 548, 550, 670, and 671

Recommending that the Senate advise and consent to the nominations of the following:

LAND USE COMMISSION

G.M. No. 548 DAN GIOVANNI, for a term to expire 06-30-2021;

G.M. No. 550 DAWN CHANG, for a term to expire 06-30-2023;

G.M. No. 670 JONATHAN SCHEUER, for a term to expire 06-30-2024; and

G.M. No. 671 LEE OHIGASHI, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Dan Giovanni, Dawn Chang, Jonathan Scheuer, and Lee Ohigashi for service on the Land Use Commission.

DAN GIOVANNI

Your Committee received testimony in support of the nomination for the appointment of Dan Giovanni from the Land Use Commission; Office of the Mayor, County of Kaua'i; and six individuals.

Upon review of the testimony, your Committee finds that Dan Giovanni's experience, background, and commitment to public service qualify him for appointment to the Land Use Commission. Your Committee notes that Mr. Giovanni has been an independent contractor since 2015 offering consulting services to the electric power industry. During the course of Mr. Giovanni's career, he has gained broad experience and knowledge about the workings of organizations like the Land Use Commission. Your Committee further

notes that Mr. Giovanni has served as an interim Commissioner on the Land Use Commission since 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. Giovanni be appointed to the Land Use Commission based on his knowledge, experience, and commitment to public service.

DAWN CHANG

Your Committee received testimony in support of the nomination for the reappointment of Dawn Chang from the Land Use Commission; Aha Moku Advisory Committee; Office of the Mayor, County of Kaua'i; Ko'olaupoko Hawaiian Civic Club; Pacific Resource Partnership; and four individuals.

Upon review of the testimony, your Committee finds that Dawn Chang's experience, knowledge, and proven leadership on the Land Use Commission qualify her for reappointment to the Land Use Commission. Your Committee notes that Ms. Chang has nineteen years of experience in consulting and strategic planning. Your Committee finds that Ms. Chang is a life-long practitioner and protector of natural and cultural resources with experience in dealing with complex land issues. Your Committee further finds that Ms. Chang has served on several boards and commissions throughout her career. Ms. Chang's experience and knowledge will continue to be assets to the Land Use Commission. Your Committee therefore recommends that Ms. Chang be reappointed to the Land Use Commission based on her experience, knowledge, and commitment to public service.

JONATHAN SCHEUER

Your Committee received testimony in support of the nomination for the reappointment of Jonathan Scheuer from the Land Use Commission, Department of Hawaiian Home Lands, Office of Hawaiian Affairs, Aha Moku Advisory Committee, Sierra Club of Hawai'i, Ko'olaupoko Hawaiian Civic Club, KAHEA: The Hawaiian-Environmental Alliance, Young Progressives Demanding Action, Surfriider Foundation Kona Kai Ea Chapter, Prince Kūhiō Hawaiian Civic Club, and eighteen individuals.

Upon review of the testimony, your Committee finds that Jonathan Scheuer's experience, knowledge, and proven leadership on the Land Use Commission qualify him for reappointment to the Land Use Commission. Your Committee notes that Mr. Scheuer has thirty years of experience as a natural resources and environmental issues consultant. Your Committee finds that Mr. Scheuer was previously the Director of Land Management at the Office of Hawaiian Affairs. Your Committee further finds that Mr. Scheuer has served as the Vice Chair of the O'ahu Island Burial Council, Deputy Director for the Commission on Water Resources Management, member of the O'ahu Land Trust Board of Directors, and Director of Mālama Mānoa. Mr. Scheuer's experience and knowledge will continue to be assets to the Land Use Commission. Your Committee therefore recommends that Mr. Scheuer be reappointed to the Land Use Commission based on his experience, knowledge, and commitment to public service.

LEE OHIGASHI

Your Committee received testimony in support of the nomination for the reappointment of Lee Ohigashi from the Land Use Commission, ILWU Local 142, Hawai'i Farm Bureau, and five individuals.

Upon review of the testimony, your Committee finds that Lee Ohigashi's experience, knowledge, and proven leadership on the Land Use Commission qualify him for reappointment to the Land Use Commission. Your Committee notes that Mr. Ohigashi has thirty-five years of experience practicing law in Hawaii. Your Committee finds that Mr. Ohigashi has experience in the workings of organizations like the Land Use Commission and in the role of government in making critical decisions. Your Committee further finds that Mr. Ohigashi has served on several boards and commissions throughout his career. Mr. Ohigashi's experience and knowledge will continue to be assets to the Land Use Commission. Your Committee therefore recommends that Mr. Ohigashi be reappointed to the Land Use Commission based on his experience, knowledge, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Water and Land that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3567 Water and Land on Gov. Msg. Nos. 584 and 585

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF LAND AND NATURAL RESOURCES

G.M. No. 584 WESLEY YOON, for a term to expire 06-30-2022; and

G.M. No. 585 VERNON CHAR, for a term to expire 06-30-2021

Your Committee reviewed the personal histories, resumes, and statements submitted by Wesley Yoon and Vernon Char for service on the Board of Land and Natural Resources.

WESLEY YOON

Your Committee received testimony in support of the nomination for the appointment of Wesley Yoon from the Department of Land and Natural Resources, Aha Moku Advisory Committee, Ko'olaupoko Hawaiian Civic Club, Pacific Resource Partnership, and two individuals. Your Committee received testimony in opposition to the nomination for the appointment of Wesley Yoon from one individual.

Upon review of the testimony, your Committee finds that Wesley Yoon's background and dedication to serving the public qualify him to be appointed to the Board of Land and Natural Resources. Your Committee notes that Mr. Yoon has been an executive level professional in the public and private sectors for over fifteen years. Mr. Yoon is currently the Vice President of Operations at the Bishop Museum and responsible for managing the daily operations of the museum's campus. Previously, Mr. Yoon was the

Architecture Branch Chief for the State of Hawaii, responsible for administering and directing daily operations of the Architectural Branch of the Department of Land and Natural Resources, State Historic Preservation Division. Your Committee finds that Mr. Yoon has a thorough understanding of the role and responsibilities of board members and his extensive experience in land management will continue to enhance the effectiveness of the Board of Land and Natural Resources. Your Committee therefore recommends that Mr. Yoon be appointed to the Board of Land and Natural Resources based on his knowledge, background, and dedication to public service.

VERNON CHAR

Your Committee received testimony in support of the nomination for the appointment of Vernon Char from the Department of Land and Natural Resources, Aha Moku Advisory Committee, Ponoholo Ranch Limited, and one individual.

Upon review of the testimony, your Committee finds that Vernon Char's experience, background, and commitment to public service qualify him for appointment to the Board of Land and Natural Resources. Your Committee notes that Mr. Char has been a practicing attorney in Hawaii since 1959 after graduating from Harvard Law School. During the course of Mr. Char's career, he has gained broad experience and knowledge about business transactions including development acquisitions, sale of businesses, and government contracts. Your Committee further notes that Mr. Char has served as an interim member of the Board of Land and Natural Resources since 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Vernon Char be appointed to the Board of Land and Natural Resources based on his knowledge, experience, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Water and Land that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3568 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. No. 639

Recommending that the Senate advise and consent to the nomination of the following:

COMPACT ADMINISTRATOR OF THE STATE COUNCIL FOR THE INTERSTATE COMPACT FOR JUVENILES

G.M. No. 639 KRISTIN DAVIDSON, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Kristin Davidson for service as the Compact Administrator for the State Council for the Interstate Compact for Juveniles.

Your Committee received testimony in support of the nomination for the appointment of Kristin Davidson from the Judiciary.

Upon review of the testimony, your Committee finds that Ms. Davidson's experience, background, and commitment to public service qualify her to be nominated for appointment as the Compact Administrator of the State Council for the Interstate Compact for Juveniles. Your Committee notes that Ms. Davidson is currently the Social Services Manager for the Juvenile Client Services Branch of the First Circuit. Prior to that service, Ms. Davidson served as a Field Supervisor and Prevention Coordinator at the Williamson County, Texas, Juvenile Services from November 2011 to September 2019, where she, among other things, assisted juvenile offenders and families in developing and strengthening necessary social and professional skills. Your Committee further notes that Ms. Davidson previously served as a Criminal Justice Planning Specialist at the Department of the Attorney General from June 2010 to December 2012 and was responsible for disseminating information statewide regarding available programs and funding opportunities relating to criminal justice. Your Committee therefore recommends that Ms. Davidson be appointed as the Compact Administrator of the State Council for the Interstate Compact for Juveniles based on her knowledge, experience, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 3569 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. No. 701

Recommending that the Senate advise and consent to the nomination of the following:

ADVISORY BOARD ON VETERANS' SERVICES

G.M. No. 701 BLAIR SUZUKI, for a term to expire 06-30-2024

Your Committee received testimony in support of the nomination for the appointment of Blair Suzuki from Pacific Resource Partnership and twenty-six individuals.

Upon review of the testimony, your Committee finds that Mr. Suzuki's background and dedication to serving the public qualify him to be nominated for appointment to the Advisory Board on Veterans' Services. Your Committee notes that Mr. Suzuki has been the Hawaii Operations Manager at Otis Elevator Company since April 2017. Mr. Suzuki served in the United States Navy from June 2010 to May 2015. He began his career in the United States Navy as a Division Officer, where he led thirty sailors in the maintenance and preservation of ship deck equipment. Mr. Suzuki then later became a Nuclear Engineer for the United States Navy and was responsible for the operation and maintenance of a United States Navy Nuclear Power Plant. His most recent service in the United States Navy was as the Space and Naval Warfare Systems Command Technology Project manager, where he was awarded the 2014 Space and

Naval Warfare Systems Command Fleet Support Award for superior performance. Your Committee therefore recommends that Mr. Suzuki be appointed to the Advisory Board of Veterans' Services based on his knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 570 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. Nos. 570, 571, 572, 573, 574, 575, and 576

Recommending that the Senate advise and consent to the nominations of the following:

LAW ENFORCEMENT STANDARDS BOARD

- G.M. No. 570 SAMUEL JELSMA, for a term to expire 06-30-2021;
- G.M. No. 571 SHERRY BIRD, for a term to expire 06-30-2022;
- G.M. No. 572 GARY YAMASHIROYA, for a term to expire 06-30-2020;
- G.M. No. 573 GARY YAMASHIROYA, for a term to expire 06-30-2023;
- G.M. No. 574 HARRY KUBOJIRI, for a term to expire 06-30-2021;
- G.M. No. 575 CRAIG TANAKA, for a term to expire 06-30-2022; and
- G.M. No. 576 NICHOLAS COURSON, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Samuel Jelsma, Sherry Bird, Gary Yamashiroya, Harry Kubojiri, Craig Tanaka, and Nicholas Courson for service on the Law Enforcement Standards Board.

SAMUEL JELSMA

Your Committee received testimony in support of the nomination for the appointment of Samuel Jelsma from the Hawaii Police Department and one individual. Your Committee received testimony in opposition to the nomination for the appointment of Samuel Jelsma from one individual.

Upon review of the testimony, your Committee finds that Mr. Jelsma's experience, background, and commitment to public service qualify him to be nominated for appointment to the Law Enforcement Standards Board. Your Committee notes that Mr. Jelsma has accumulated over twenty-seven years of experience in law enforcement services with the Hawaii Police Department. Mr. Jelsma has held various ranks in the Hawaii Police Department, including Major, Captain, and Lieutenant. Your Committee further notes that Mr. Jelsma is currently retired from the Hawaii Army National Guard with the rank of First Sergeant and has over twenty-one years of credited military service. Your Committee therefore recommends that Mr. Jelsma be appointed to the Law Enforcement Standards Board based on his knowledge, experience, and commitment to public service.

SHERRY BIRD

Your Committee received testimony in support of the nomination for the appointment of Sherry Bird from the Hawaii Police Department and one individual.

Upon review of the testimony, your Committee finds that Ms. Bird's experience, background, and commitment to public service qualify her to be nominated for appointment to the Law Enforcement Standards Board. Your Committee notes that Ms. Bird has been a Captain in the Hawaii Police Department since 2018 where she commands the South Kohala district, the third largest police district in the County of Hawaii. With over twenty years of experience in law enforcement, Ms. Bird has gained broad experiences and extensive knowledge about issues and concerns regarding law enforcement statewide. Your Committee further notes that Ms. Bird has also served in the United States Army prior to entering into law enforcement. Your Committee therefore recommends that Ms. Bird be appointed to the Law Enforcement Standards Board based on her knowledge, experience, and commitment to public service.

GARY YAMASHIROYA

Your Committee received testimony in support of the nomination for the appointment and reappointment of Gary Yamashiroya from one individual. Your Committee received testimony in opposition to the nomination for the appointment and reappointment of Gary Yamashiroya from one individual.

Upon review of the testimony, your Committee finds that Mr. Yamashiroya's professional experience, background, and desire to serve his community qualify him to be nominated for appointment and reappointment to the Law Enforcement Standards Board. Your Committee notes that Mr. Yamashiroya was most recently a Deputy Prosecuting Attorney for the City and County of Honolulu from August 2015 to May 2016. Prior to that position, Mr. Yamashiroya spent roughly twenty-nine years at the Chicago Police Department, having served in various high-level positions, including a Detective Commander and District Commander. Your Committee further notes that Mr. Yamashiroya is also an active member in professional and community organizations, including as a board member and contract negotiating team member for the Chicago Police Sergeant's Association. Based on Mr. Yamashiroya's legal experience and extensive experience in law enforcement, your Committee recommends that he be appointed and reappointed to the Law Enforcement Standards Board.

HARRY KUBOJIRI

Your Committee received testimony in support of the nomination for the appointment of Harry Kubojiri from the Hawaii Police Department and one individual.

Upon review of the testimony, your Committee finds that Mr. Kubojiri's experience, background, and commitment to public service qualify him to be nominated for appointment to the Law Enforcement Standards Board. Your Committee notes that Mr. Kubojiri has over thirty-seven years of professional law enforcement experience. His most recent position was at the Hawaii Police Department where he served as the Police Chief for eight years. During the course of Mr. Kubojiri's career, he has gained broad experiences and extensive knowledge about the administrative procedures of law enforcement in the State. Your Committee further notes that Mr. Kubojiri is an active member in professional and community organizations having served on the Joint Terrorism Task Force, International Association Chiefs of Police, and Governor's Committee on Crime. Your Committee therefore recommends that Mr. Kubojiri be appointed to the Law Enforcement Standards Board based on his knowledge, experience, and commitment to public service.

CRAIG TANAKA

Your Committee did not receive any testimony regarding the nomination for the appointment of Craig Tanaka.

Your Committee finds that Mr. Tanaka's experience, background, and commitment to public service qualify him to be nominated for appointment to the Law Enforcement Standards Board. Your Committee notes that Mr. Tanaka has extensive experience in security training and is currently serving in various security training positions, including as the President of Ka'ana'ikepono, LLC; a security training company; Assistant Director of Security at the Grand Wailea Maui Resort; and Instructor of security guard training at the University of Hawaii, Maui Campus. Your Committee further notes that Mr. Tanaka has served on various professional and community organizations, including the Maui County Hotel and Resort Security Association, Hawaii Hotel and Visitor Industry Security Association, and has chaired the Corporate Task Force Team for Pandemic and Virus Outbreak Guidelines. Your Committee therefore recommends that Mr. Tanaka be appointed to the Law Enforcement Standards Board based on his knowledge and experience in visitor industry security and commitment to public service.

NICHOLAS COURSON

Your Committee did not receive any testimony regarding the nomination for the appointment of Nicholas Courson.

Your Committee finds that Mr. Courson's experience, background, and commitment to public service qualify him to be nominated for appointment to the Law Enforcement Standards Board. Your Committee notes that Mr. Courson is currently the Administrator of the Office of Boards and Commission in the County of Kauai, where he is responsible for providing administrative support to seventeen boards and commission, including the Planning Commission, Police Commission, and Board of Review. Your Committee further notes that Mr. Courson has previously served as a Deputy County Attorney for the County of Kauai and gained a legal understanding of various law enforcement related issues in the State. Your Committee therefore recommends that Mr. Courson be appointed to the Law Enforcement Standards Board based on his knowledge, experience, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 3571 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. Nos. 617, 618, 619, and 620

Recommending that the Senate advise and consent to the nominations of the following:

HAWAII PAROLING AUTHORITY

- G.M. No. 617 EDMUND HYUN, for a term to expire 06-30-2024;
- G.M. No. 618 MAX OTANI, for a term to expire 06-30-2022;
- G.M. No. 619 CLAYTON HEE, for a term to expire 06-30-2023; and
- G.M. No. 620 CHERYL INOUYE, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Edmund Hyun, Max Otani, Clayton Hee, and Cheryl Inouye for service on the Hawaii Paroling Authority.

EDMUND HYUN

Your Committee received testimony in support of the nomination for the reappointment of Edmund Hyun from the Department of Public Safety and four individuals. Your Committee received testimony in opposition to the nomination for the reappointment of Edmund Hyun from four individuals.

Upon review of the testimony, your Committee finds that Mr. Hyun's experience, background, and commitment to public service qualify him to be nominated for reappointment to the Hawaii Paroling Authority. Your Committee notes that Mr. Hyun is currently the Chairperson of the Hawaii Paroling Authority. Mr. Hyun has extensive experience in the public and private sectors as a Disaster Preparedness Instructor for Lyon Associates and as Special Projects Coordinator for the Honolulu Liquor Commission. Your Committee further notes that Mr. Hyun has served as the Chairperson of the Hawaii Paroling Authority since August 2016 and has a thorough understanding of the roles and responsibilities of the Hawaii Paroling Authority. Your Committee therefore recommends that

Mr. Hyun be reappointed to the Hawaii Paroling Authority based on his proven knowledge of, and experience in, the Authority and commitment to public service.

MAX OTANI

Your Committee received testimony in support of the nomination for the appointment of Max Otani from the Department of Public Safety, Hina Mauka, and two individuals. Your Committee received testimony in opposition to the nomination for the appointment of Max Otani from one individual.

Upon review of the testimony, your Committee finds that Mr. Otani's experience, background, and commitment to public service qualify him to be nominated for appointment to the Hawaii Paroling Authority. Your Committee notes that Mr. Otani's has over thirteen years of experience at the Department of Public Safety, where he most recently served as the Division Administrator at the Intake Service Center where he managed the pretrial operations of the Department. Mr. Otani also served as the Deputy Director of Corrections for the Department of Public Safety from 2013 to 2014. Your Committee further finds that Mr. Otani has extensive experience at the Hawaii Paroling Authority as a Field Service Branch Administrator, Paroles and Pardons Administrator, Field Service Branch Administrator, and other positions. During the course of Mr. Otani's public service career at the Department of Public Safety and Judiciary, he has gained broad experiences and extensive knowledge regarding the various issues relating to corrections in the State. Your Committee therefore recommends that Mr. Otani be appointed to the Hawaii Paroling Authority based on his knowledge, experience, and commitment to public service.

CLAYTON HEE

Your Committee received testimony in support of the nomination for the appointment of Clayton Hee from the Department of Public Safety; Hina Mauka; Hawai'i Friends of Civil Rights; Hawaii Cattlemen's Council, Inc.; Ponoholo Ranch Limited; and nine individuals. Your Committee received testimony in opposition to the nomination for the appointment of Clayton Hee from one individual.

Upon review of the testimony, your Committee finds that Mr. Hee's background and dedication to serving the public qualify him to be nominated for appointment to the Hawaii Paroling Authority. Your Committee notes that Mr. Hee has many years of experience as an elected official having first been elected to the Hawaii State House of Representatives in 1982 and served there until he was elected to the Hawaii State Senate in 1984. Mr. Hee subsequently went on to serve as a State Senator for a total of fourteen years. Additionally, Mr. Hee was elected as a Trustee of the Office of Hawaiian Affairs for twelve years, of which he spent six years as the Chairperson. During his time at the Senate, Mr. Hee was a longtime Chair of the Senate Committee on Judiciary and Labor where he authored numerous bills that relate to the state penal code and has a thorough understanding of the penal code. Your Committee further finds that Mr. Hee's extensive experience in public service and vast knowledge of state law, particularly the penal code, will enhance the effectiveness of the Hawaii Paroling Authority. Your Committee therefore recommends that Mr. Hee be appointed to the Hawaii Paroling Authority based on his knowledge, background, and dedication to public service.

CHERYL INOUYE

Your Committee received testimony in support of the nomination for the appointment of Cheryl Inouye from the Department of Public Safety and Hina Mauka.

Upon review of the testimony, your Committee finds that Ms. Inouye's background and dedication to serving the public qualify her to be nominated for appointment to the Hawaii Paroling Authority. Your Committee notes that Ms. Inouye was a social worker in various branches at the Judiciary for roughly thirty-five years. Ms. Inouye served in a variety of probation officer positions and specialized in supervision and treatment of felony sex offenders and high-risk substance abusers. Ms. Inouye was instrumental in improving the State's criminal justice system; having developed the first sex offender unit in the State. She created and piloted an innovative domestic violence intervention strategy for felony domestic offenders, developed a specialized unit to manage high risk substance abusers, and co-developed an effective strategy for managing probation violations, which is currently known as Hawaii's Opportunity Probation with Enforcement. Your Committee finds that Ms. Inouye has a thorough understanding of issues in the State relating to criminal justice and her extensive experience in criminal justice in the State will continue to enhance the effectiveness of the Hawaii Paroling Authority. Your Committee therefore recommends that Ms. Inouye be appointed to the Hawaii Paroling Authority based on her knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 3572 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. Nos. 702 and 703

Recommending that the Senate advise and consent to the nominations of the following:

HAWAII ADVISORY COUNCIL ON EMERGENCY MANAGEMENT

G.M. No. 702 DARRYL OLIVEIRA, for a term to expire 06-30-2022; and

G.M. No. 703 RONALD COX, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Darryl Oliveira and Ronald Cox for service on the Hawaii Advisory Council on Emergency Management.

DARRYL OLIVEIRA

Your Committee received testimony in support of the nomination for the appointment of Darryl Oliveira from two individuals.

Your Committee finds that Mr. Oliveira's background and dedication to serving the public qualify him to be nominated for appointment to the Hawaii Advisory Council on Emergency Management. Your Committee notes that Mr. Oliveira is currently the Director of Risk Management at HPM Building Supply. Previously, Mr. Oliveira was the Administrator of the Hawaii County Civil Defense Agency, where he was responsible for the direct management and coordination of the agency and its activities as they pertained to the mitigation, preparedness, response, and recovery from various emergency and disaster events. Your Committee finds that Mr. Oliveira previously served as the Fire Chief of the Hawaii Fire Department from March 2002 to July 2011. Your Committee finds that Mr. Oliveira has a thorough understanding of emergency management in the State and his extensive experience in risk management and disaster preparedness will enhance the effectiveness of the Hawaii Advisory Council on Emergency Management. Your Committee therefore recommends that Mr. Oliveira be appointed to the Hawaii Advisory Council on Emergency Management based on his knowledge, background, and dedication to public service.

RONALD COX

Your Committee received testimony in support of the nomination for the appointment of Ronald Cox from the Hawaiian Electric Company and one individual. Your Committee received testimony in opposition to the nomination for the appointment of Ronald Cox from one individual.

Upon review of the testimony, your Committee finds that Mr. Cox's background and dedication to serving the public qualify him to be nominated for appointment to the Hawaii Advisory Council on Emergency Management. Your Committee notes that Mr. Cox is currently the Senior Vice President of Operations at the Hawaiian Electric Company and is responsible for Hawaiian Electric Companies generation, power deliver, and system operations. Your Committee finds that Mr. Cox has twenty-seven years of experience in the United States Navy where he commanded the USS Bremerton and Naval Station Pearl Harbor. Your Committee further finds that Mr. Cox is active in the community serving as Chair of the Pacific Fleet Submarine Memorial Association and on the Board of the Honolulu Council of the Navy League. Your Committee also finds that Mr. Cox has a thorough understanding of emergency management and will be a great asset to the Hawaii Advisory Council on Emergency Management. Your Committee therefore recommends that Mr. Cox be appointed to the Hawaii Advisory Council on Emergency Management based on his knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 3573 Energy, Economic Development, and Tourism on Gov. Msg. No. 567

Recommending that the Senate advise and consent to the nomination of the following:

DEPUTY DIRECTOR OF THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

G.M. No. 567 CHUNG CHANG, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Chung Chang for service as the Deputy Director of the Department of Business, Economic Development, and Tourism.

Your Committee received testimony in support of the nomination for the appointment of Chung Chang from the Department of Business, Economic Development, and Tourism; Department of Budget and Finance; Department of Transportation; Department of Labor and Industrial Relations; Department of Accounting and General Services; Department of Hawaiian Home Lands; Department of Agriculture; Department of Defense; Department of Human Resources and Development; Department of Land and Natural Resources; Department of Commerce and Consumer Affairs; Department of Taxation; Office of Planning; Hawaii State Energy Office; Hawaii Housing Finance and Development Corporation; Hawai'i Tourism Authority; Hawaii Technology Development Corporation; Hawaii Green Infrastructure Authority; Natural Energy Laboratory of Hawaii Authority; Office of Enterprise Technology Services; Aha Moku Advisory Committee; Hawaii Island Economic Development Board; and nine individuals.

Upon review of the testimony, your Committee finds that Mr. Chang's background, experience, and commitment to public service qualify him for appointment as the Deputy Director of the Department of Business, Economic Development, and Tourism. Your Committee notes that Mr. Chang began his career as a Marketing Coordinator at the Hawaii Medical Service Association. For the next seven years, he served as a Section Supervisor and then Senior Business Analyst at the Association. Mr. Chang continued his career in the private sector as a Manager at Cuzco Development USA, LLC; where he conducted property inspections and coordinated on-site maintenance projects. In addition, Mr. Chang is the successful owner and manager of Fresh Ahi Off the Boat and owner of CIC Consulting.

Mr. Chang's career in public service began as a Bills Researcher for the Hawaii State Senate Committee on Ways and Means from December 2017 to May 2018 where he managed several concurrent projects relating to revenue generating legislation. He was also responsible for researching, analyzing, and interpreting statutory language, government reports, and testimony to assist the committee chair in making informed decisions regarding the state budget. Mr. Chang continued his career in public service as the current Office of Aerospace Development Coordinator where he is responsible for the planning, implementation, and evaluation of aerospace-related programs developed and conducted through the Office. As the Coordinator, he is also responsible for establishing and maintaining relationships with the private sector, federal government, and academic organizations in order to promote aerospace partnerships in the State.

Your Committee believes that Mr. Chang's dedication to public service, years of experience in the public and private sectors, and passion to improve the Department of Business, Economic Development, and Tourism qualify him to be appointed as the department's Deputy Director.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3574 Energy, Economic Development, and Tourism on Gov. Msg. No. 667

Recommending that the Senate advise and consent to the nomination of the following:

HAWAI'I COMMUNITY DEVELOPMENT AUTHORITY

G.M. No. 667 DANIEL ITO, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Daniel Ito for service on the Hawai'i Community Development Authority.

Your Committee received testimony in support of the nomination for the appointment of Daniel Ito from Imanaka Asato, LLLC and one individual.

Upon review of the testimony, your Committee finds that Mr. Ito's background and dedication to serving the public qualify him to be nominated for appointment to the Hawai'i Community Development Authority. Your Committee notes that Mr. Ito has worked in digital media for roughly nine years in various executive capacities. Your Committee further notes that Mr. Ito is currently the Communications and Social Media Manager for Zippy's Restaurants, FCH Enterprises, Inc; where he manages all media relations, influencer relations, and community affairs activities. Mr. Ito is an active member of the community having served as a Pacific Century Fellow, Na Kama Kai Board Member, OluKai Ambassador, and as coach of the Kamehameha Schools surf team. Your Committee finds that Mr. Ito has a thorough understanding of the role and responsibilities of the Hawai'i Community Development Authority and his extensive experience in digital media will enhance the effectiveness of the Authority. Your Committee therefore recommends that Mr. Ito be appointed to the Hawai'i Community Development Authority based on his knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3575 Energy, Economic Development, and Tourism on Gov. Msg. No. 668

Recommending that the Senate advise and consent to the nomination of the following:

HAWAII GREEN INFRASTRUCTURE AUTHORITY

G.M. No. 668 DENNIS WONG, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Dennis Wong for service on the Hawaii Green Infrastructure Authority.

Your Committee received testimony in support of the nomination for the appointment of Dennis Wong from the Department of Business, Economic Development, and Tourism, Hawaii State Energy Office, and Hawaii Green Infrastructure Authority.

Upon review of the testimony, your Committee finds that Mr. Wong's experience, background, and commitment to public service qualify him for appointment to the Hawaii Green Infrastructure Authority. Your Committee notes that Mr. Wong has over forty years of experience in the banking and financing industries. Your Committee further notes that Mr. Wong spent approximately thirty-six years at the Hawaii National Bank, having most recently served as the Senior Vice President and Oahu Regional Manager before retiring in 2018. Upon his retirement, Mr. Wong began serving as a Senior Business Advisor at the Hawaii Small Business Development Center, where he advises business entrepreneurs in a variety of fields, including business strategy and planning, risk management, and business research. During the course of Mr. Wong's career, he has gained broad experiences and vast knowledge regarding the business and financial industries in the State and will be a great asset to the Hawaii Green Infrastructure Authority. Your Committee therefore recommends that Mr. Wong be appointed to the Hawaii Green Infrastructure Authority based on his knowledge, experience, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3576 Energy, Economic Development, and Tourism on Gov. Msg. Nos. 659, 660, 661, 662, 663, and 664

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF DIRECTORS OF THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS

- G.M. No. 659 DAVID DE LUZ JR, for a term to expire 06-30-2021;
G.M. No. 660 HENK ROGERS, for a term to expire 06-30-2022;
G.M. No. 661 KIMBERLY BINSTED, for a term to expire 06-30-2020;
G.M. No. 662 KIMBERLY BINSTED, for a term to expire 06-30-2024;
G.M. No. 663 LUKE FLYNN, for a term to expire 06-30-2023; and
G.M. No. 664 RACHAEL SOLEMSAAS, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by David De Luz, Jr.; Henk Rogers; Kimberly Binsted; Luke Flynn; and Rachael Solemsaas for service on the Board of Directors of the Pacific International Space Center for Exploration Systems.

DAVID DE LUZ, JR.

Your Committee received testimony in support of the nomination for the appointment of David De Luz, Jr. from the Pacific International Space Center for Exploration Systems.

Upon review of the testimony, your Committee finds that Mr. De Luz's background and dedication to serving the public qualify him for appointment to the Board of Directors of the Pacific International Space Center for Exploration Systems. Your Committee notes that Mr. De Luz has worked in the motor vehicle industry in the State for approximately forty years. Mr. De Luz is currently Vice President of Special Projects at David S. De Luz, Sr., Enterprises, Inc.; which operates Big Island Toyota Inc.; De Luz Chevrolet; Kukaiau Ranch; and Hawaii Beef Producers. Your Committee finds that Mr. De Luz has gained a thorough understanding of operating a successful business in the State and will be a great asset to the Board of Directors of the Pacific International Space Center for Exploration Systems. Your Committee therefore recommends that Mr. De Luz be appointed to the Board of Directors of the Pacific International Space Center for Exploration Systems based on his knowledge, background, and dedication to public service.

HENK ROGERS

Your Committee received testimony in support of the nomination for the reappointment of Henk Rogers from the Pacific International Space Center for Exploration Systems, Hawaii State Energy Office, and one individual.

Upon review of the testimony, your Committee finds that Mr. Rogers's experience, background, and commitment to public service qualify him to be reappointed to the Board of Directors of the Pacific International Space Center for Exploration Systems. Your Committee notes that Mr. Rogers is one of the world's leading advocates and activists of space exploration. He is the founder of the International MoonBase Alliance, which has brought together experts from around the world to conduct research to make space colonization a reality. During the course of Mr. Roger's career, he has gained broad experiences and knowledge about space exploration and space science. Your Committee further notes that Mr. Rogers has served as the Chair of the Board of Directors of the Pacific International Space Center for Exploration Systems since 2014 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. Rogers be reappointed to the Board of Directors of the Pacific International Space Center for Exploration Systems based on his knowledge, experience, and commitment to public service.

KIMBERLY BINSTED

Your Committee received testimony in support of the nomination for the appointment and reappointment of Dr. Kimberly Binsted from the Pacific International Space Center for Exploration Systems.

Upon review of the testimony, your Committee finds that Dr. Binsted's experience, knowledge, and dedication to public service qualify her for appointment and reappointment to the Board of Directors of the Pacific International Space Center for Exploration Systems. Your Committee notes that Dr. Binsted has worked as a Professor at the University of Hawaii for eighteen years, where she teaches graduate and undergraduate courses in artificial intelligence, astrobology, space exploration, cognitive science, and design for mobile devices. She also conducts research on human factors and behavioral health and performance in long-term space exploration, computational astrobology, the evolution of intelligence, and human-computer interfaces. Dr. Binsted has served in a principal role on numerous collaborative projects between the University of Hawaii and NASA in the area of human space exploration. Your Committee further finds that Dr. Binsted has served on the Board of Directors of the Pacific International Space Center for Exploration Systems since 2016. Your Committee therefore recommends that Dr. Binsted be appointed and reappointed to the Board of Directors of the Pacific International Space Center for Exploration Systems based on her experience, knowledge, and commitment to public service.

LUKE FLYNN

Your Committee received testimony in support of the nomination for the reappointment of Dr. Luke Flynn from the Pacific International Space Center for Exploration Systems.

Upon review of the testimony, your Committee finds that Dr. Flynn's experience, background, and commitment to public service qualify him to be reappointed to the Board of Directors of the Pacific International Space Center for Exploration Systems. Dr. Flynn currently serves as the Director of the Hawaii Space Grant Consortium, Hawaii NASA EPSCoR Program, and Hawaii Space Flight Laboratory. Dr. Flynn is a member of the Executive Committee of the National Space Grant Program and a faculty specialist and Associate Researcher for the University of Hawaii at Manoa. In his various roles, Dr. Flynn has demonstrated a commitment to enhancing opportunities for Hawaii residents and others to pursue space-related research careers. Dr. Flynn has authored forty peer-

reviewed journal articles and more than sixty scientific abstracts. Your Committee further finds that Dr. Flynn has served on the Board of Directors of the Pacific International Space Center for Exploration Systems since 2016. Accordingly, your Committee finds that Dr. Flynn's aerospace knowledge and dedication to public service will be great assets to the Board of Directors of the Pacific International Space Center for Exploration Systems.

RACHEL SOLEMSAAS

Your Committee received testimony in support of the nomination for the appointment of Dr. Rachel Solemsaas from the Pacific International Space Center for Exploration Systems.

Your Committee notes that Governor's Message No. 664 contains a spelling error of Ms. Solemsaas' first name. Your Committee has corrected the spelling of Ms. Solemsaas' first name in this report.

Upon review of the testimony, your Committee finds that Dr. Solemsaas's background and dedication to serving the public qualify her to be nominated for appointment to the Board of Directors of the Pacific International Space Center for Exploration Systems. Dr. Solemsaas is currently the Chancellor of the Hawaii Community College, where she serves as the chief executive officer and provides executive leadership in academic affairs, undergraduate education, professional training, student affairs, and more. Dr. Solemsaas also has experience in public service having served as the Chief Financial Officer for the King County Department of Community and Human Services, Comptroller of the Snohomish County, and Chief Financial Officer of the King County Mental Health, Chemical Abuse, and Dependency Services Division of the Department of Community and Human Services. Your Committee finds that Dr. Solemsaas's executive experience at various colleges and financial experience in the public sector will make her a great asset to the Board of Directors of the Pacific International Space Center for Exploration Systems. Your Committee therefore recommends that Dr. Solemsaas be appointed to the Board of Directors of the Pacific International Space Center for Exploration Systems based on her knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Energy, Economic Development, and Tourism that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3577 Energy, Economic Development, and Tourism on Gov. Msg. Nos. 665 and 666

Recommending that the Senate advise and consent to the nominations of the following:

COMMUNITY-BASED ECONOMIC DEVELOPMENT ADVISORY COUNCIL

G.M. No. 665 KALEOKALANI KURODA, for a term to expire 06-30-2023; and

G.M. No. 666 NANCY LO, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Kaleokalani Kuroda and Nancy Lo for service on the Community-Based Economic Development Advisory Council.

KALEOKALANI KURODA

Your Committee received testimony in support of the nomination for the reappointment of Kaleokalani Kuroda from the Department of Business, Economic Development, and Tourism.

Upon review of the testimony, your Committee finds that Mr. Kuroda's experience, knowledge, and proven leadership qualify him to be nominated for reappointment to the Community-Based Economic Development Advisory Council. Your Committee notes that Mr. Kuroda is currently the Chief Strategy Officer for HawaiiUSA Federal Credit Union, where he is the primary steward of the organization's strategic planning process and performance excellence journey. Prior to his fourteen years at HawaiiUSA Federal Credit Union, Mr. Kuroda previously served as the Audit Manager for Erwin, Cabrinha, and Au; as well as an Accounting Supervisor for HRT, Inc.; and Audit Senior at Grant Thornton, LLP. Your Committee further finds that Mr. Kuroda has been a member of the Community-Based Economic Development Advisory Council since 2018 and will continue to be an asset to the Community-Based Economic Development Advisory Council. Your Committee therefore recommends that Mr. Kuroda be reappointed to the Community-Based Economic Development Advisory Council based on his experience, knowledge, and commitment to public service.

NANCY LO

Your Committee received testimony in support of the nomination for the reappointment of Nancy Lo from the Department of Business, Economic Development, and Tourism.

Upon review of the testimony, your Committee finds that Ms. Lo's experience, knowledge, and dedication to public service qualify her to be nominated for reappointment to the Community-Based Economic Development Advisory Council. Your Committee notes that Ms. Lo is the President of P.H. Hawaii Corporation, which specializes in commercial investment, leasing, and property management. She is also a successful businessperson as the founder of Best Aloha Partners, LLC, a residential development and management company; founder of Tikhale, LLC, a Nevada-based company that works in investment, remodeling, and custom homes; and founder of Hibiscus Aloha Corporation, which includes Elvira Chocolate of Hawaii and Hawaii Monarch Chocolate. She is a licensed general contractor, registered sanitarian, and licensed real estate sales associate. Your Committee further finds that Ms. Lo has served on the Community-Based Economic Development Advisory Council since 2018 and has a thorough understanding of the roles and responsibilities of the Advisory Council. Your Committee therefore recommends that Ms. Lo be reappointed to the Community-Based Economic Development Advisory Council based on her experience, knowledge, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Energy, Economic Development, and Tourism that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3578 Energy, Economic Development, and Tourism on Gov. Msg. Nos. 672, 673, 674, and 675

Recommending that the Senate advise and consent to the nominations of the following:

SMALL BUSINESS REGULATORY REVIEW BOARD

- G.M. No. 672 MARY ALBITZ, for a term to expire 06-30-2024;
- G.M. No. 673 NANCY ATMOSPORA-WALCH, for a term to expire 06-30-2024;
- G.M. No. 674 ROBERT CUNDIFF, for a term to expire 06-30-2024; and
- G.M. No. 675 TARYN RODIGHIERO, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Mary Albitz, Nancy Atmospera-Walch, Robert Cundiff, and Taryn Rodighiero for service on the Small Business Regulatory Review Board.

MARY ALBITZ

Your Committee received testimony in support of the nomination for the reappointment of Mary Albitz from the Department of Business, Economic Development, and Tourism, Small Business Regulatory Review Board, and one individual.

Upon review of the testimony, your Committee finds that Ms. Albitz's experience, knowledge, and proven leadership qualify her for reappointment to the Small Business Regulator Review Board. Your Committee notes that Ms. Albitz is currently the Vice President of Business Development at FocalPoint Business Coach, where she is responsible for promoting, marketing, and keeping the sales funnel full for FocalPoint Business Coach. Prior to working at FocalPoint, she was the founder and Chief Executive Officer of Jigsaw Java, Inc. Your Committee further notes that Ms. Albitz has served on the Small Business Regulator Review Board since 2018 and her experience as a small business owner will continue to be an asset to the Small Business Regulatory Review Board. Your Committee therefore recommends that Ms. Albitz be reappointed to the Small Business Regulatory Review Board based on her experience, knowledge, and commitment to public service.

NANCY ATMOSPORA-WALCH

Your Committee received testimony in support of the nomination for the reappointment of Nancy Atmospera-Walch from the Department of Business, Economic Development, and Tourism and Small Business Regulatory Review Board.

Upon review of the testimony, your Committee finds that Dr. Atmospera-Walch's experience, knowledge, and proven leadership qualify her for reappointment to the Small Business Regulatory Review Board. Your Committee notes that Dr. Atmospera-Walch has over forty years of experience in the health care industry. Dr. Atmospera-Walch is currently the Principal Shareholder, Chairwoman, President, and Chief Executive Officer of ADVANTAGE Health Care Provider, Inc., which provides quality health care services to certain individuals as a Medicaid contractor. In addition, Dr. Atmospera-Walch is the sole proprietor of AIM Healthcare Institute. Your Committee further notes that Dr. Atmospera-Walch has served on the Small Business Regulator Review Board since 2016. Dr. Atmospera-Walch's experience and knowledge will continue to be assets to the Small Business Regulatory Review Board. Your Committee therefore recommends that Dr. Atmospera-Walch be reappointed to the Small Business Regulatory Review Board based on her experience, knowledge, and commitment to public service.

ROBERT CUNDIFF

Your Committee received testimony in support of the nomination for the reappointment of Robert Cundiff from the Department of Business, Economic Development, and Tourism and Small Business Regulatory Review Board.

Upon review of the testimony, your Committee finds that Mr. Cundiff's experience, knowledge, and proven qualify him for reappointment to the Small Business Regulator Review Board. Your Committee notes that Mr. Cundiff has over twenty years of executive and managerial experience in business operations and sales. Mr. Cundiff is currently the Principal Business and Management Consultant at Lokama Group, where he provides professional business management consulting services aimed at assisting clients in analyzing, implementing, and evaluating business projects and organizational effectiveness. Previously, Mr. Cundiff served as Vice President of Operations and Sales at Aloun Farm, Inc.; Senior Vice President and President of Rengo Packing, Inc.; and President of Hawaii Box and Packaging, Inc. Your Committee further notes that Mr. Cundiff is the current Chair of the Small Business Regulatory Review Board and has a thorough understanding of the role and responsibilities of the members of the Board. Your Committee therefore recommends that Mr. Cundiff be reappointed to the Small Business Regulatory Review Board based on his experience, knowledge, and commitment to public service.

TARYN RODIGHIERO

Your Committee received testimony in support of the nomination for the appointment of Taryn Rodighiero from the Department of Business, Economic Development, and Tourism and Small Business Regulatory Review Board.

Upon review of the testimony, your Committee finds that Ms. Rodighiero's background and dedication to serving the public qualify her for appointment to the Small Business Regulatory Review Board. Your Committee notes that Ms. Rodighiero has been a small business owner for ten years. She is the founder and Chief Executive Officer of KaiKini Bikinis. Previously, Ms. Rodighiero was a Sales Consultant for Kauai Bikini and Director of EnVironmental Motors. Your Committee finds that as a long-time small business

owner and her experience in the business industry, Ms. Rodighiero has a thorough understanding of the role and responsibilities of the Small Business Regulatory Review Board and her extensive experience will be a great asset to the Board. Your Committee therefore recommends that Ms. Rodighiero be appointed to the Small Business Regulatory Review Board based on her knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Energy, Economic Development, and Tourism that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3579 Education on Gov. Msg. Nos. 704 and 705

Recommending that the Senate advise and consent to the nominations of the following:

HAWAII TEACHER STANDARDS BOARD

G.M. No. 704 DAWN RAYMOND, for a term to expire 06-30-2022; and

G.M. No. 705 KRISTI MIYAMAE, for a term to expire 06-30-2022

Your Committee has reviewed the personal histories, resumes, and statements submitted by Dawn Raymond and Kristi Miyamae for service on the Hawaii Teacher Standards Board.

DAWN RAYMOND

Your Committee received testimony in support of the nomination for the appointment of Dawn Raymond from Hawaii Teacher Standards Board and two individuals.

Upon review of the testimony, your Committee finds that Dawn Raymond's background and dedication to serving the public qualify her to be appointed to the Hawaii Teacher Standards Board. Your Committee notes that Ms. Raymond has been an educational assistant since 2003, became a special education teacher in 2010, and holds a master's degree in autism spectrum disorder. Ms. Raymond is currently a special education teacher at Chiefess Kapiolani Elementary School. Previously, Ms. Raymond has worked with the Hawaii State Teachers Association in a variety of capacities, including as a board member. Your Committee finds that Ms. Raymond is currently serving as an interim member of the Hawaii Teacher Standards Board and her knowledge and experience continues to enhance the effectiveness of the Hawaii Teacher Standards Board. Your Committee therefore recommends that Ms. Raymond be appointed to the Hawaii Teacher Standards Board based on her background, knowledge, and desire to contribute to the community.

KRISTI MIYAMAE

Your Committee received testimony in support of the nomination for the appointment of Kristi Miyamae from the Hawaii Teacher Standards Board and three individuals.

Upon review of the testimony, your Committee finds that Kristi Miyamae's background and dedication to serving the public qualify her to be appointed to the Hawaii Teacher Standards Board. Your Committee notes that Ms. Miyamae began her career as a special education teacher in 2002. Ms. Miyamae holds a master's degree in that field and continues to serve as a classroom teacher at Mililani Middle School. Previously, Ms. Miyamae served as a chapter president and director with the Hawaii State Teachers Association. Your Committee finds that Ms. Miyamae has a thorough understanding of the role and responsibilities of board members and her extensive experience in teaching will enhance the effectiveness of the Hawaii Teacher Standards Board. Your Committee therefore recommends that Ms. Miyamae be appointed to the Hawaii Teacher Standards Board based on her knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Education that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Kanuha).

SCRep. 3580 Education on Gov. Msg. Nos. 707 and 708

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF EDUCATION

G.M. No. 707 LYNN FALLIN, for a term to expire 06-30-2023; and

G.M. No. 708 SHANTY ASHER, for a term to expire 06-30-2023

Your Committee has reviewed the personal histories, resumes, and statements submitted by Lynn Fallin and Shanty Asher for service on the Board of Education.

LYNN FALLIN

Your Committee received testimony in support of the nomination for the appointment of Lynn Fallin from Ke Kula o Samuel M. Kamakau Laboratory Public Charter School, Native Hawaiian Education Program Hawaiian Art and Early Literacy Project, Kualapu'u

School Public Conversion Charter School, and eighteen individuals. Your Committee received comments on the nomination for the appointment of Lynn Fallin from HawaiiKidsCAN.

Upon review of the testimony, your Committee finds that Ms. Fallin's background and dedication to serving the public qualify her to be appointed to the Board of Education. Your Committee notes that Ms. Fallin has over twenty years of senior level experience in education policy and administrative leadership. Previously, Ms. Fallin was also a classroom teacher for fourteen years, and has extensive senior management experience at the state government level in youth and family services. Your Committee finds that Ms. Fallin has a thorough understanding of the role and responsibilities of board members and her extensive experience in educational policy and leadership will enhance the effectiveness of the Board of Education. Your Committee therefore recommends that Ms. Fallin be appointed to the Board of Education based on her knowledge, background, and dedication to public service.

SHANTY ASHER

Your Committee received testimony in support of the nomination for the appointment of Shanty Asher from Hawaii Friends of Civil Rights, Oahu Economic Development Board, The Legal Clinic, Filipinos for Affirmative Action, Raator Consulting, HealthyPacific.Net, and six individuals. Your Committee received comments on the nomination for the appointment of Shanty Asher from HawaiiKidsCAN.

Upon review of the testimony, your Committee finds that Ms. Asher's background and dedication to serving the public qualify her to be appointed to the Board of Education. Your Committee notes that Ms. Asher has been a lawyer since 2008. Ms. Asher is currently an education law specialist at Pacific Resources for Education and Learning. Previously, Ms. Asher served as an attorney for the Department of Justice and Department of Foreign Affairs of the Federated States of Micronesia. Your Committee finds that Ms. Asher has a thorough understanding of the role and responsibilities of board members and her extensive experience in the policy and law regarding education will enhance the effectiveness of the Board of Education. Your Committee therefore recommends that Ms. Asher be appointed to the Board of Education based on her knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Education that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Kanuha).

SCRep. 3581 Hawaiian Affairs on Gov. Msg. Nos. 771 and 772

Recommending that the Senate advise and consent to the nominations of the following:

ISLAND BURIAL COUNCIL, ISLANDS OF MAUI AND LANAI

G.M. No. 771 IRIS PEELUA, for a term to expire 06-30-2023; and

G.M. No. 772 KYLE NAKANELUA, for a term to expire 06-30-2021

Your Committee reviewed the personal histories, resumes, and statements submitted by Iris Peelua and Kyle Nakanelua for service on the Island Burial Council, Islands of Maui and Lanai.

IRIS PEELUA

Your Committee received testimony in support of the nomination for the appointment of Iris Peelua from the Department of Land and Natural Resources.

Upon review of the testimony, your Committee finds that Ms. Peelua's experience, background, and commitment to public service qualify her for appointment to the Island Burial Council, Islands of Maui and Lanai. Your Committee notes that Ms. Peelua has been a Project Coordinator with Towne Realty of Hawaii, Inc. since 2003 where her responsibilities include obtaining necessary approvals from various state and county agencies. During the course of Ms. Peelua's career, she has gained broad experience and knowledge about real estate development. Your Committee further notes that Ms. Peelua has served as an interim member of the Island Burial Council, Islands of Maui and Lanai, since 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Ms. Peelua be appointed to the Island Burial Council, Islands of Maui and Lanai, based on her knowledge, experience, and commitment to public service.

KYLE NAKANELUA

Your Committee received testimony in support of the nomination for the appointment of Kyle Nakanelua from the Department of Land and Natural Resources.

Upon review of the testimony, your Committee finds that Mr. Nakanelua's experience, background, and commitment to public service qualify him for appointment to the Island Burial Council, Islands of Maui and Lanai. Your Committee notes that Mr. Nakanelua has worked as a cultural consultant in the State of Hawaii since 1996 where his services included educating people on the traditions and customs of Native Hawaiian culture. Over the course of Mr. Nakanelua's career, he has gained broad experience and knowledge in Native Hawaiian rites, rituals, and protocols. Your Committee further notes that Mr. Nakanelua has served as an interim member of the Island Burial Council, Islands of Maui and Lanai, since 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Mr. Nakanelua be appointed to the Island Burial Council, Islands of Maui and Lanai, based on his knowledge, experience, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Hawaiian Affairs that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3582 Hawaiian Affairs on Gov. Msg. Nos. 622, 623, and 624

Recommending that the Senate advise and consent to the nominations of the following:

HAWAIIAN HOMES COMMISSION

G.M. No. 622 ZACHARY HELM, for a term to expire 06-30-2024;

G.M. No. 623 RUSSELL KAUPU, for a term to expire 06-30-2023; and

G.M. No. 624 RANDY AWO, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Zachary Helm, Russell Kaupu, and Randy Awo for service on the Hawaiian Homes Commission.

ZACHARY HELM

Your Committee received testimony in support of the nomination for the reappointment of Zachary Helm from the Department of Hawaiian Home Lands, one member of the Maui County Council, Kalama'ula Homesteader's Association, Moloka'i Hawaiian Homelands Kupuna Committee, Napualei o Hina, and seventeen individuals. Your Committee received testimony in opposition to the nomination for the reappointment of Mr. Helm from one individual.

Upon review of the testimony, your Committee finds that Zachary Helm's experience, knowledge, and proven leadership on the Hawaiian Homes Commission qualify him for reappointment to the Hawaiian Homes Commission. Your Committee notes that Mr. Helm has thirty years of experience working with the Department of Parks and Recreation for the County of Maui. Your Committee finds that Mr. Helm served most of his tenure at the Department of Parks and Recreation as the District Supervisor III where he was responsible for the operations and maintenance of parks and recreational facilities, equipment, and programs. Mr. Helm is also active in the community, serving on various boards. Mr. Helm's experience and knowledge will continue to be assets to the Hawaiian Homes Commission. Your Committee therefore recommends that Mr. Helm be reappointed to the Hawaiian Homes Commission based on his experience, knowledge, and commitment to public service.

RUSSELL KAUPU

Your Committee received testimony in support of the nomination for the appointment of Russell Kaupu from the Department of Hawaiian Home Lands, SanHi Government Strategies, and five individuals. Your Committee received testimony in opposition to the nomination for the appointment of Mr. Kaupu from one individual.

Upon review of the testimony, your Committee finds that Russell Kaupu's background and dedication to serving the public qualify him to be appointed to the Hawaiian Homes Commission. Your Committee notes that Mr. Kaupu has been a practicing attorney since 1992. Mr. Kaupu is currently Corporate Counsel for The MacNaughton Group and a small business owner of a number of enterprises. Mr. Kaupu is also active in the community, serving on various boards. Your Committee finds that Mr. Kaupu has a thorough understanding and extensive experience in law and business management, which will enhance the effectiveness of the Hawaiian Homes Commission. Your Committee therefore recommends that Mr. Kaupu be appointed to the Hawaiian Homes Commission based on his knowledge, background, and dedication to public service.

RANDY AWO

Your Committee received testimony in support of the nomination for the reappointment of Randy Awo from the Department of Hawaiian Home Lands, Napualei o Hina, and eighteen individuals. Your Committee received testimony in opposition to the nomination for the reappointment of Mr. Awo from one individual.

Upon review of the testimony, your Committee finds that Randy Awo's experience, knowledge, and proven leadership on the Hawaiian Homes Commission qualify him for reappointment to the Hawaiian Homes Commission. Your Committee notes that Mr. Awo has been in administration and management since 1999. Your Committee finds that by being born and raised on Hawaiian homestead land his whole life, Mr. Awo was surrounded and influenced by Native Hawaiian beliefs and practices and has worked to conserve and preserve Native Hawaiian practices and natural resources. Mr. Awo's dedication to the conservation of natural resources is reflected in his twenty-six years of experience in the Department of Land and Natural Resources' Division of Conservation and Resources Enforcement, of which he ultimately became the administrator until retirement. Mr. Awo's experience and knowledge will continue to be assets to the Hawaiian Homes Commission. Your Committee therefore recommends that Mr. Awo be reappointed to the Hawaiian Homes Commission based on his experience, knowledge, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Hawaiian Affairs that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3583 Transportation on Gov. Msg. Nos. 609 and 610

Recommending that the Senate advise and consent to the nominations of the following:

MEDICAL ADVISORY BOARD

G.M. No. 609 CHRISTOPHER TORTORA, for a term to expire 06-30-2021; and

G.M. No. 610 JUDITH DICKERT, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Christopher Tortora and Judith Dickert for service on the Medical Advisory Board.

CHRISTOPHER TORTORA

Your Committee received testimony in support of the nomination for the appointment of Christopher Tortora from the Department of Transportation.

Upon review of the testimony, your Committee finds that Dr. Tortora's background and dedication to serving the public qualify him to be appointed to the Medical Advisory Board. Your Committee notes that Dr. Tortora has been the medical director for Hawaiian Eye Center since 2003. Additionally, Dr. Tortora is an assistant clinical professor at University of Hawaii at Manoa, John A. Burns School of Medicine. Previously, Dr. Tortora was a general ophthalmologist at Hawaiian Eye Center. Your Committee finds that Dr. Tortora has a thorough understanding of the role and responsibilities of members of the Medical Advisory Board and his extensive experience in medicine will enhance the effectiveness of the Medical Advisory Board. Your Committee therefore recommends that Dr. Tortora be appointed to the Medical Advisory Board based on his knowledge, background, and dedication to public service.

JUDITH DICKERT

Your Committee received testimony in support of the nomination for the reappointment of Judith Dickert from the Department of Transportation and University of Hawaii System.

Upon review of the testimony, your Committee finds that Dr. Dickert's background and dedication to serving the public qualify her for reappointment to the Medical Advisory Board. Your Committee notes that Dr. Dickert has twenty-eight years of experience in medicine, specializing in endocrinology and internal medicine, and has been licensed as a physician in Hawaii since 1995. She has worked as the chief of clinical operations for Hawaii Military Health Systems for two years, and before that served as the deputy commander medical services for Tripler Army Medical Center. Your Committee further finds that Dr. Dickert has served on the Medical Advisory Board since 2015. Dr. Dickert's experience and knowledge will continue to benefit the Medical Advisory Board. Your Committee therefore recommends that Dr. Dickert be reappointed to the Medical Advisory Board based on her experience, knowledge, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Transportation that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 3584 Housing on Gov. Msg. No. 709

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF DIRECTORS OF THE HAWAII PUBLIC HOUSING AUTHORITY

G.M. No. 709 LEILANI PULMANO, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Leilani Pulmano for service on the Board of Directors of the Hawaii Public Housing Authority.

Your Committee received testimony in support of the nomination for the appointment of Ms. Pulmano from the Hawaii Public Housing Authority, Hawaii Housing Finance and Development Corporation, Office of Planning, and one individual.

Upon review of the testimony, your Committee finds that Leilani Pulmano's background and dedication to serving the public qualify her to be appointed to the Board of Directors of the Hawaii Public Housing Authority. Your Committee notes that Ms. Pulmano has twenty years of experience in land use development. Ms. Pulmano is currently a project manager for Pacific Rim Land, Inc. and the chair of the Board of Directors of the Hawaii Housing Finance and Development Corporation. Your Committee finds that Ms. Pulmano has a thorough understanding of the role and responsibilities of board members and her extensive experience in project management will continue to enhance the effectiveness of the Board of Directors of the Hawaii Public Housing Authority. Your Committee therefore recommends that Leilani Pulmano be appointed to the Board of Directors of the Hawaii Public Housing Authority based on her knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Thielen, Fevella).

SCRep. 3585 Housing on Gov. Msg. Nos. 589 and 590

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF DIRECTORS OF THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION

G.M. No. 589 CAROL REIMANN, for a term to expire 06-30-2024; and

G.M. No. 590 GARY MACKLER, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Carol Reimann and Gary Mackler for service on the Board of Directors of the Hawaii Housing Finance and Development Corporation.

CAROL REIMANN

Your Committee received testimony in support of the nomination for the appointment of Carol Reimann from the Hawaii Housing Finance and Development Corporation, Hawai'i Farm Bureau, Pacific Resource Partnership, Pūlama Lāna'i, Tom Blackburn-Rodriguez & Associates, and nine individuals.

Upon review of the testimony, your Committee finds that Ms. Reimann's background and dedication to serving the public qualify her to be appointed to the Board of Directors of the Hawaii Housing Finance and Development Corporation. Ms. Reimann is currently the vice president for Alexander & Baldwin on the island of Maui, a position she has held since 2018. Previously, Ms. Reimann was the director of housing and human concerns for the County of Maui. Your Committee finds that Ms. Reimann has a thorough understanding of the role and responsibilities of board members and her extensive experience in housing will continue to enhance the effectiveness of the Board of Directors of the Hawaii Housing Finance and Development Corporation. Your Committee therefore recommends that Carol Reimann be appointed to the Board of Directors of the Hawaii Housing Finance and Development Corporation based on her knowledge, background, and dedication to public service.

GARY MACKLER

Your Committee received testimony in support of the nomination for the appointment of Gary Mackler from the Hawaii Housing Finance and Development Corporation and one individual.

Upon review of the testimony, your Committee finds that Mr. Mackler's experience, knowledge, and proven leadership on the Board of Directors of the Hawaii Housing Finance and Development Corporation qualify him for reappointment to the Board as the Kauai County representative. Your Committee notes that Mr. Mackler has twenty-four years of experience in affordable housing development, and he has worked as a housing development coordinator for the County of Kauai Housing Agency. Your Committee further notes that Mr. Mackler has served as an interim member of the Board of Directors of the Hawaii Housing Finance and Development and has a thorough understanding of the roles and responsibilities of its members. Mr. Mackler's experience and knowledge will continue to be assets to the Board of Directors of the Hawaii Housing Finance and Development Corporation. Your Committee therefore recommends that Gary Mackler be reappointed to the Board of Directors of the Hawaii Housing Finance and Development Corporation based on his experience, knowledge, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Housing that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Thielen, Fevella).

SCRep. 3586 Human Services on Gov. Msg. Nos. 710, 711, and 712

Recommending that the Senate advise and consent to the nominations of the following:

COMMISSION ON FATHERHOOD

G.M. No. 710 CHARLES WOOLFORK, for a term to expire 06-30-2024;

G.M. No. 711 DAVID MATTOS, for a term to expire 06-30-2024; and

G.M. No. 712 SAMUEL KIPPEN, for a term to expire 06-30-2023

Your Committee reviewed the personal histories and resumes submitted by Charles Woolfork, David Mattos, and Samuel Kippen for service on the Commission on Fatherhood.

CHARLES WOOLFORK

Your Committee received testimony in support of the nomination for the appointment of Charles Woolfork from the Commission on Fatherhood and one individual.

Upon review of the testimony, your Committee finds that Charles Woolfork's experience, background, and commitment to public service qualify him for appointment to the Commission on Fatherhood. Your Committee notes that Charles Woolfork is a former middle school social studies teacher, cross country assistant coach, and athletic director. As Athletic Director at Island School in Puhii, he oversaw all aspects of the athletic programs that are sponsored by the school. During the course of Mr. Woolfork's career, he has gained a broad range of experience, knowledge, and education. Your Committee further notes that Mr. Woolfork has a thorough understanding of the roles and responsibilities as a member of the Commission on Fatherhood. Your Committee therefore recommends that Charles Woolfork be appointed to the Commission on Fatherhood based on his knowledge, experience, and commitment to public service.

DAVID MATTOS

Your Committee received testimony in support of the nomination for reappointment of David Mattos from Early Childhood Action Strategy.

Upon review of the testimony, your Committee finds that Mr. Mattos is the current Chairman of the Commission on Fatherhood having served in that role since January of this year, and he has served on the Commission, representing Maui County since 2017. Your Committee notes that David "Kawika" Mattos has been employed by the Maui Family support Services, Inc. where he is responsible for facilitating a weekly men's group and parenting classes in order to further facilitate an engaged, strong community network since 2015. He is currently the supervisor of the KĀNE Connections program. Previously, Mr. Mattos was a Paukukalo

Clubhouse Director and Area Director for the Boys & Girls Clubs of Maui, Inc., as well as the Chief Executive Officer of the Boys & Girls Clubs of the Big Island, Inc. Your Committee finds that Mr. Mattos has a thorough understanding of the role and responsibilities of board members and his extensive experience will continue to enhance the effectiveness of the Commission on Fatherhood. Your Committee therefore recommends that David Mattos be reappointed to the Commission on Fatherhood based on his knowledge, background, and dedication to public service.

SAMUEL KIPPEN

Your Committee received testimony in support of the nomination for the appointment of Samuel Kippen from the Department of Human Services, Prince Kūhiō Hawaiian Civic Club, and five individuals.

Upon review of the testimony, your Committee finds that Samuel Kippen's experience, background, and commitment to public service qualify him for appointment to the Commission on Fatherhood. Your Committee notes that Mr. Kippen has been a community and government relations specialist since 2017 where he organized outreach, ensured compliance with ethics regulations, and developed Kamehameha School's public profile through targeted sponsorships and participation in community events. During the course of his career, Mr. Kippen has gained broad experience and knowledge in leadership and organization. Your Committee further notes that he has served as a member of the Prince Kūhiō Hawaiian Civic Club and a volunteer with the American Cancer Society Hawaii Pacific, Community Action Network. Your Committee finds that Mr. Kippen has a thorough understanding of the role and responsibilities of a board member and will enhance the effectiveness of the Commission on Fatherhood. Your Committee therefore recommends that Samuel Kippen be appointed to the Commission on Fatherhood based on his knowledge, experience, and commitment to public service.

Your Committee received testimony in opposition to the appointment of each of the nominees listed in this report from one individual; however, the testimony did not speak to the qualifications of the nominees, but rather questioned the need for the Commission.

As affirmed by the records of votes of the members of your Committee on Human Services that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Senate President on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Ihara).

SCRep. 3587 Human Services on Gov. Msg. Nos. 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, and 725

Recommending that the Senate advise and consent to the nominations of the following:

STATE REHABILITATION COUNCIL

- G.M. No. 713 ANNETTE TASHIRO, for a term to expire 06-30-2022;
- G.M. No. 714 ARTHUR CABANILLA, for a term to expire 06-30-2023;
- G.M. No. 715 CAROLINE CAMPBELL, for a term to expire 06-30-2023;
- G.M. No. 716 CHRISTINA PASCUA, for a term to expire 06-30-2022;
- G.M. No. 717 EVALINA WATANABE, for a term to expire 06-30-2022;
- G.M. No. 718 EVAN NAKATSUKA, for a term to expire 06-30-2020;
- G.M. No. 719 EVAN NAKATSUKA, for a term to expire 06-30-2023;
- G.M. No. 720 JOSHUA GRAHAM, for a term to expire 06-30-2022;
- G.M. No. 721 NANCY GORMAN, for a term to expire 06-30-2020;
- G.M. No. 722 NANCY GORMAN, for a term to expire 06-30-2023;
- G.M. No. 723 ROSELANI MANUWAI-ROWE, for a term to expire 06-30-2022;
- G.M. No. 724 STANLEY YOUNG, for a term to expire 06-30-2022; and
- G.M. No. 725 WALTER SOARES, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Annette Tashiro, Arthur Cabanilla, Caroline Campbell, Christina Pascua, Evalina Watanabe, Evan Nakatsuka, Joshua Graham, Nancy Gorman, Roselani Manuwai-Rowe, Stanley Young, and Walter Soares for services on the State Rehabilitation Council.

ANNETTE TASHIRO

Your Committee received testimony in support of the nomination for the appointment of Annette Tashiro from the Department of Human Services.

Upon review of the testimony, your Committee finds that Ms. Tashiro's background and dedication to serving the public qualify her to be appointed to the State Rehabilitation Council as a representative of the Statewide Independent Living Council. Your Committee notes that Ms. Tashiro has experience as a rehabilitative specialist for twenty-three years. Ms. Tashiro currently serves as a volunteer to provide counseling, education, and training opportunities for persons with disabilities in order to help them achieve success in their quality of life aspirations. Your Committee finds that she has a thorough understanding of the role and responsibilities of council members and has extensive experience in education-rehabilitation counseling that will enhance the effectiveness of the State

Rehabilitation Council. Your Committee therefore recommends that Ms. Tashiro be appointed to the State Rehabilitation Council based on her knowledge, background, and dedication to public service.

ARTHUR CABANILLA

Your Committee received testimony in support of the nomination for the reappointment of Arthur Cabanilla from the Department of Human Services.

Upon review of the testimony, your Committee finds that Mr. Cabanilla's background and dedication to serving the public qualify him to be reappointed to the State Rehabilitation Council as a member representing Disability Advocacy Groups. Your Committee notes that Mr. Cabanilla has been the owner of Six Sense Solutions, a certified Access Technology Specialist, Assistive Technology Specialist and licensed therapist since 1992. He specializes in contracted blindness retail and technical access training. Since 2016 Mr. Cabanilla has been the affiliate president of the Hawaii Association of the Blind. Currently, he serves as a board member of the State Rehabilitation Council, Ho'opono Advisory Board, and the Library for the Blind. Your Committee finds that Mr. Cabanilla has a thorough understanding of the role and responsibilities of council members and his extensive experience in vocational rehabilitation for the visually impaired will continue to enhance the effectiveness of the State Rehabilitation Council. Your Committee therefore recommends that Mr. Cabanilla be reappointed to the State Rehabilitation Council based on his knowledge, background, and dedication to public service.

CAROLINE CAMPBELL

Your Committee received testimony in support of the nomination for the appointment of Caroline Campbell from the Department of Human Services.

Upon review of the testimony, your Committee finds that Ms. Campbell's background and dedication to serving the public qualify her to be appointed to the State Rehabilitation Council. Your Committee notes that Ms. Campbell has been a diverse media freelance writer and editor since 1997. Ms. Campbell has the ability to synthesize complex information and make it accessible for general audiences. She has extensive experience caring for persons with debilitating disabilities, including her two sons who served as veterans of the United State Army. Your Committee finds that Ms. Campbell has a thorough understanding of the role and responsibilities of council members and will enhance the effectiveness of the State Rehabilitation Council. Your Committee therefore recommends that Ms. Campbell be appointed to the State Rehabilitation Council based on her knowledge, background, and dedication to public service.

CHRISTINA PASCUA

Your Committee received testimony in support of the nomination for the reappointment of Christina Pascua from the Department of Human Services.

Upon review of the testimony, your Committee finds that Ms. Pascua's background and dedication to serving the public qualify her to be reappointed to the State Rehabilitation Council as a member representing Disability Advocacy Groups. Your Committee notes that Ms. Pascua has been a transition coordinator and care coordinator working directly with students with disabilities at Kapolei High School since 2017. Previously, she was a care coordinator, employment/education counselor, and direct support worker providing services to individuals with disabilities. Your Committee finds that Ms. Pascua has a thorough understanding of the role and responsibilities of council members and her extensive experience in special education vocational rehabilitation will continue to enhance the effectiveness of the State Rehabilitation Council. Your Committee therefore recommends that Ms. Pascua be reappointed to the State Rehabilitation Council based on her knowledge, background, and dedication to public service.

EVALINA WATANABE

Your Committee received testimony in support of the nomination for the appointment of Evalina Watanabe from the Department of Human Services.

Upon review of the testimony, your Committee finds that Ms. Watanabe's background and dedication to serving the public qualify her to be appointed to the State Rehabilitation Council as a member representing Disability Advocacy Groups. Your Committee notes that Ms. Watanabe has been an advocate assisting families with children and adults with disabilities as a staffing coordinator since 2014. Previously, she was an independent living specialist. Your Committee finds that Ms. Watanabe has a thorough understanding of the role and responsibilities of council members and her extensive experience in advocacy and education on disability awareness and accessibility to enhance the effectiveness of the State Rehabilitation Council. Your Committee therefore recommends that Ms. Watanabe be appointed to the State Rehabilitation Council based on her knowledge, background, and dedication to public service.

EVAN NAKATSUKA

Your Committee received testimony in support of the nomination for the appointment and reappointment of Evan Nakatsuka from the Department of Human Services.

Upon review of the testimony, your Committee finds that Mr. Nakatsuka's professional experience, background, and desire to serve his community qualify him for appointment and reappointment to the State Rehabilitation Council as a member representing business, industry, and labor. Your Committee notes that Mr. Nakatsuka has been working as a project coordinator with an emphasis in service delivery for disabilities for four years. He is currently the director of workforce programs at Lanakila Pacific. Your Committee further finds that he has served as an interim member of the State Rehabilitation Council and his knowledge and experience continues to enhance the effectiveness of the State Rehabilitation Council. Your Committee therefore recommends that Mr. Nakatsuka be appointed and reappointed to the State Rehabilitation Council based on his background, knowledge, and desire to contribute to the community.

JOSHUA GRAHAM

Your Committee received testimony in support of the nomination for the appointment of Joshua Graham from the Department of Human Services.

Upon review of the testimony, your Committee finds that Mr. Graham's background and dedication to serving the public qualify him to be appointed to the State Rehabilitation Council as a member who is a qualified Vocational Rehabilitation Counselor from a private agency. Your Committee notes that Mr. Graham has been a vocational rehabilitation specialist assisting persons with disabilities in the job search and placement process since 2016. Mr. Graham is currently the CEO of Graham & Associates, LLC and also provides disability counseling. Your Committee finds that Mr. Graham has a thorough understanding of the role and responsibilities of board members and his extensive experience in vocational rehabilitation will enhance the effectiveness of the State Rehabilitation Council. Your Committee therefore recommends that Mr. Graham be appointed to the State Rehabilitation Council based on his knowledge, background, and dedication to public service.

NANCY GORMAN

Your Committee received testimony in support of the nomination for the appointment and reappointment of Nancy Gorman from the Department of Human Services.

Upon review of the testimony, your Committee finds that Ms. Gorman's professional experience, background, and desire to serve her community qualify her for appointment and reappointment to the State Rehabilitation Council as a representative of the state agency responsible for the public education of students with disabilities. Your Committee notes that Ms. Gorman has been a district special education specialist for eight years. Your Committee further notes Ms. Gorman is also an active member in professional and community organizations, including the Developmental Disabilities Divisions Center on Disability Studies at the University of Hawaii and the Division of Vocational Rehabilitation. Your Committee further finds that she has served as an interim member of the State Rehabilitation Council and her knowledge and experience continues to enhance the effectiveness of the State Rehabilitation Council. Your Committee therefore recommends that Ms. Gorman be appointed and reappointed to the State Rehabilitation Council based on her background, knowledge, and desire to contribute to the community.

ROSELANI MANUWAI-ROWE

Your Committee received testimony in support of the nomination for the appointment of Roselani Manuwai-Rowe from the Department of Human Services.

Upon review of the testimony, your Committee finds that Ms. Manuwai-Rowe's background and dedication to serving the public qualify her to be appointed to the State Rehabilitation Council as a representative for the Parent Training and Information Center. Your Committee notes that since 2017 Ms. Manuwai-Rowe has been the Chief Executive Officer of Leadership in Disabilities & Achievement of Hawai'i and is responsible for its operations implementing its mission. Previously, she was an education and training coordinator providing training, outreach, and advocacy services for parents, families, and caregivers of children with disabilities and disability professionals. Your Committee finds that Ms. Manuwai-Rowe has a thorough understanding of the role and responsibilities of board members and her extensive experience will enhance the effectiveness of the State Rehabilitation Council. Your Committee therefore recommends that Ms. Manuwai-Rowe be appointed to the State Rehabilitation Council based on his knowledge, background, and dedication to public service.

STANLEY YOUNG

Your Committee received testimony in support of the nomination for the appointment of Stanley Young from the Department of Human Services.

Upon review of the testimony, your Committee finds that Mr. Young's background and dedication to serving the public qualify him to be appointed to the State Rehabilitation Council as a representative for Disability Advocacy Groups. Your Committee notes that Mr. Young has been an active participant of Ho'opono Services for the Blind. Together with his two partners and a staff of over eighty employees (including disabled and blind individuals), Mr. Young serves the traveling public through his vending activity. He has worked with several blind vending facilities since 1995. Mr. Young is currently the elected chairperson of the Hawaii State Committee of Blind Vendors, a Federal Randolph Sheppard Act mandated board of blind vendors, which actively participates in all major decisions with Ho'opono's Business Enterprise Program. Your Committee finds that he has a thorough understanding of the role and responsibilities of board members and his extensive experience in assisting disabled vendors will enhance the effectiveness of the State Rehabilitation Council. Your Committee therefore recommends that Mr. Young be appointed to the State Rehabilitation Council based on his knowledge, background, and dedication to public service.

WALTER SOARES

Your Committee received testimony in support of the nomination for the appointment of Walter Soares from the Department of Human Services.

Upon review of the testimony, your Committee finds that Mr. Soares' background and dedication to serving the public qualify him to be appointed to the State Rehabilitation Council as a representative for Disability Advocacy Groups. Your Committee notes that since 1989 Mr. Soares has been the President and owner of Island Skill Gathering, a company that facilitates the learning of independent living skills, which empower people with disabilities to discover solutions of assistive technology. Your Committee finds that he has a thorough understanding of the role and responsibilities of council members and his extensive experience in providing support services, independent living skills, and vocational counseling to people with disabilities will enhance the effectiveness of the State Rehabilitation Council. Your Committee therefore recommends that Mr. Soares be appointed to the State Rehabilitation Council based on his knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Human Services that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Senate President on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Ihara).

SCRep. 3588 Technology on Gov. Msg. Nos. 649, 650, 651, 652, 653, 654, 655, and 656

Recommending that the Senate advise and consent to the nominations of the following:

ENHANCED 911 BOARD

- G.M. No. 649 ALLISON KATHLEEN PUANANI BLAKE, for a term to expire 06-30-2022;
G.M. No. 650 COREY BOOTH SHAFFER, for a term to expire 06-30-2022;
G.M. No. 651 ELLIOTT KE, for a term to expire 06-30-2024;
G.M. No. 652 FRANCIS LINO ALUETA, for a term to expire 06-30-2022;
G.M. No. 653 KENNETH BUGADO, JR., for a term to expire 06-30-2024;
G.M. No. 654 KIMAN K.L. WONG, for a term to expire 06-30-2021;
G.M. No. 655 MARK WONG, for a term to expire 06-30-2021; and
G.M. No. 656 THALIA BERNADETTE BURNS, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Allison Kathleen Puanani Blake, Corey Booth Shaffer, Elliot Ke, Francis Lino Alueta, Kenneth Bugado, Jr., Kiman K.L. Wong, Mark Wong, and Thalia Bernadette Burns for service on the Enhanced 911 Board.

ALLISON KATHLEEN PUANANI BLAKE

Your Committee received testimony in support of the nomination for the appointment of Allison Kathleen Puanani Blake from two individuals.

Upon review of the testimony, your Committee finds that Allison Kathleen Puanani Blake's experience, background, and commitment to public service qualify her for appointment to the Enhanced 911 Board. Your Committee notes that Ms. Blake has twenty years of experience in the telecommunications industry. She has worked as a district manager for Sprint for fourteen years, and before that served as a store manager. Your Committee further finds that Ms. Blake has served as an interim member of the Enhanced 911 Board and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Allison Kathleen Puanani Blake be appointed to the Enhanced 911 Board based on her experience, knowledge, and commitment to public service.

COREY BOOTH SHAFFER

Your Committee received testimony in support of the nomination for the reappointment of Corey Booth Shaffer from two individuals.

Upon review of the testimony, your Committee finds that Corey Booth Shaffer's experience, knowledge, and proven leadership to qualify him for reappointment to the Enhanced 911 Board. Your Committee notes that Mr. Shaffer has sixteen years of experience in the telecommunications industry as a network assurance manager and a system performance engineer. Your Committee further finds that Mr. Shaffer has served on the Enhanced 911 Board since 2018 and has thorough understanding of the roles and responsibilities of its members. Mr. Shaffer's experience and knowledge will continue to be assets to the Enhanced 911 Board. Your Committee therefore recommends that Corey Booth Shaffer be reappointed to the Enhanced 911 Board based on his experience, knowledge, and commitment to public service.

ELLIOTT KE

Your Committee received testimony in support of the nomination for the appointment of Elliott Ke from two individuals.

Upon review of the testimony, your Committee finds that Captain Ke's experience, knowledge, and commitment to public service qualify him for appointment to the Enhanced 911 Board. Your Committee notes that Captain Ke has twenty years of experience in law enforcement. He has worked as a captain for the Office of the Chief of Police for six years, and before that served as a captain and acting assistant chief for the Patrol Services Bureau. Your Committee further notes that Captain Ke has served as an interim member of the Enhanced 911 Board since 2019 and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Captain Elliott Ke be appointed to the Enhanced 911 Board based on his experience, knowledge, and commitment to public service.

FRANCIS LINO ALUETA

Your Committee received testimony in support of the nomination for the appointment of Francis Lino Alueta from Hawaiian Telcom, Inc. and ten individuals.

Upon review of the testimony, your Committee finds that Mr. Alueta's experience, knowledge, and commitment to public service qualify him for appointment to the Enhanced 911 Board. Your Committee notes that Mr. Alueta has thirty years of experience in telecommunications. He is the Director of Network Reliability for Hawaiian Telcom and before that served as the Director of Global Network Engineering and Operations IT at Verizon. Your Committee further finds that Mr. Alueta has served as an interim member of the Enhanced 911 Board and has a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Francis Lino Alueta be appointed to the Enhanced 911 Board based on his experience, knowledge, and commitment to public service.

KENNETH BUGADO, JR.

Your Committee received testimony in support of the nomination for the reappointment of Kenneth Bugado, Jr. from two individuals.

Upon review of the testimony, your Committee finds that Deputy Chief Bugado's experience, knowledge, and proven leadership on the Enhanced 911 Board qualify him for reappointment to the Enhanced 911 Board. Your Committee notes that Deputy Chief Bugado has thirty years of experience in law enforcement. He has worked as a deputy police chief for Hawaii Police Department for four years, and before that served as a captain of the Criminal Intelligence Unit and Office of Professional Standards. Your Committee further finds that Deputy Chief Bugado has served on the Enhanced 911 Board since 2017 and has a thorough understanding of the role and responsibilities of its members. Deputy Chief Bugado's experience and knowledge will continue to be assets to the Enhanced 911 Board. Your Committee therefore recommends that Kenneth Bugado, Jr. be reappointed to the Enhanced 911 Board based on his experience, knowledge, and commitment to public service.

KIMAN K.L. WONG

Your Committee received testimony in support of the nomination for the reappointment of Kiman K.L. Wong from the Emergency 911 Board; Charter Communications - Spectrum; and five individuals.

Upon review of the testimony, your Committee finds that Mr. Wong's experience, background, and experience, knowledge, and proven leadership qualify him for reappointment to the Enhanced 911 Board. Your Committee notes that Mr. Wong has been the Director of Mobile Spectrum WiFi, Charter Communications for the past seven years, and before that served as the Government Relations Officer and Director for Oceanic Time Warner Cable/Charter Communications. Your Committee further notes that Mr. Wong has served on the Enhanced 911 Board since 2012 and has a thorough understanding of the role and responsibilities of its members. Your Committee therefore recommends that Mr. Wong be reappointed to the Enhanced 911 Board based on his knowledge, experience, and commitment to public service.

MARK WONG

Your Committee received testimony in support of the nomination for the reappointment of Mark Wong from two individuals.

Upon review of the testimony, your Committee finds that Mr. Wong's experience, knowledge, and proven leadership qualify him for reappointment to the Enhanced 911 Board. Your Committee notes that Mr. Wong has forty-five years of experience in the field of information technology. Mr. Wong has worked as the Chief Information Officer and Director of Department of Information Technology for the City and County of Honolulu and before that served as the Chief Executive Officer for Commercial Data Systems. Your Committee further finds that Mr. Wong has served on the Enhanced 911 Board since 2013 and has a thorough understanding of the role and responsibilities of its members. Mr. Wong's experience and knowledge will continue to be assets to the Enhanced 911 Board. Your Committee therefore recommends that Mark Wong be reappointed to the Enhanced 911 Board based on his experience, knowledge, and commitment to public service.

THALIA BERNADETTE BURNS

Your Committee received testimony in support of the nomination for the reappointment of Thalia Bernadette Burns from three individuals.

Upon review of the testimony, your Committee finds that Ms. Burns' experience, knowledge, and proven leadership qualify her for reappointment to the Enhanced 911 Board. Your Committee notes that Ms. Burns has thirty-seven years of experience in emergency response. She has worked as a supervising police radio dispatcher for the Honolulu Police Department and before that served as a police radio dispatcher and a 911 operator. Your Committee further finds that Ms. Burns has served on the Enhanced 911 Board since 2012. Ms. Burns' experience and knowledge will continue to be assets to the Enhanced 911 Board. Your Committee therefore recommends that Thalia Bernadette Burns be reappointed to the Enhanced 911 Board based on her experience, knowledge, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Technology that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Fevella).

SCRep. 3589 Higher Education on Gov. Msg. Nos. 792, 793, and 794

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF DIRECTORS OF THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII

G.M. No. 792 DAVID KARL, for a term to expire 06-30-2021;

G.M. No. 793 KELLI GOODIN, for a term to expire 06-30-2023; and

G.M. No. 794 KEN HAYASHIDA, for a term to expire 06-30-2021

Your Committee has reviewed the personal histories, resumes, and statements submitted by David Karl, Kelli Goodin, and Ken Hayashida for service on the Board of Directors of the Research Corporation of the University of Hawaii.

DAVID KARL

Your Committee received testimony in support of the nomination for the appointment of David Karl from the Research Corporation of the University of Hawaii.

Upon review of the testimony, your Committee finds that Dr. Karl's background and dedication to serving the public qualify him to be appointed to the Board of Directors of the Research Corporation of the University of Hawaii as a member representing the University of Hawaii System research faculty. Dr. Karl is a renowned researcher whose work has won international respect and acclaim. Your Committee notes that Dr. Karl is currently the Victor and Peggy Brandstrom Pavel Chair of Oceanography and Director of the Center for Microbial Oceanography at the University of Hawaii. Dr. Karl was instrumental in establishing the NSF Science and Technology C-MORE Center and helped to create the Simons Collaboration on Ocean Processes and Ecology program for which he also serves as Co-Director. Your Committee finds that Dr. Karl has a thorough understanding of the role and responsibilities of board members and his extensive experience in leadership and research will enhance the effectiveness of the Board of Directors of the Research Corporation of the University of Hawaii. Your Committee therefore recommends that Dr. Karl be appointed to the Board of Directors of the Research Corporation of the University of Hawaii based on his knowledge, background, and dedication to public service.

KELLI GOODIN

Your Committee received testimony in support of the nomination for the reappointment of Kelli Goodin from the Research Corporation of the University of Hawaii.

Upon review of the testimony, your Committee finds that Ms. Goodin's background and dedication to serving the public qualify her to be reappointed to the Board of Directors of the Research Corporation of the University of Hawaii as a member representing a non-University of Hawaii research organization. Your Committee notes that Ms. Goodin has been a professional engineer for over twenty-five years and has managed complex projects, including oversight of multi-million dollar defense contracts. She is currently the Deputy Program Manager at Valiant Global Defense Services. Your Committee finds that Ms. Goodin is currently serving as a member of the Research Corporation of the University of Hawaii and her knowledge and experience in military contracting continues to enhance the effectiveness of the Research Corporation of the University of Hawaii. Your Committee therefore recommends that Ms. Goodin be reappointed to the Research Corporation of the University of Hawaii based on her background, knowledge, and desire to contribute to the community.

KEN HAYASHIDA

Your Committee received testimony in support of the nomination for the appointment of Ken Hayashida from the Research Corporation of the University of Hawaii; Dean of the University of Hawaii College of Engineering; Akinaka and Associates, Ltd; and one individual.

Upon review of the testimony, your Committee finds that Mr. Hayashida's background and dedication to serving the public qualify him to be appointed to the Board of Directors of the Research Corporation of the University of Hawaii as the member representing the business sector. Your Committee notes that Mr. Hayashida has been an engineer since 1984 and holds a master's degree in civil engineering. Mr. Hayashida is the Founder, President, and Principal Structural Engineer at KAI Hawaii, Inc., which received the NAIOP 2019 Engineering Firm of the Year award. Your Committee finds that Mr. Hayashida has a thorough understanding of the role and responsibilities of board members, as he has served on numerous governmental and non-profit boards and commissions, and his extensive experience in civil engineering will enhance the effectiveness of the Board of Directors of the Research Corporation of the University of Hawaii. Your Committee therefore recommends that Mr. Hayashida be appointed to the Board of Directors of the Research Corporation of the University of Hawaii based on his knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Higher Education that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 3590 Higher Education on Gov. Msg. Nos. 605, 606, and 608

Recommending that the Senate advise and consent to the nominations of the following:

HAWAII MEDICAL EDUCATION COUNCIL

G.M. No. 605 TODD SETO, for a term to expire 06-30-2023;

G.M. No. 606 JOSEPH STERBIS, for a term to expire 06-30-2023; and

G.M. No. 608 KATHRYN RYDER, for a term to expire 06-30-2023

Your Committee has reviewed the personal histories, resumes, and statements submitted by Todd Seto, Joseph Sterbis, and Kathryn Ryder for service on the Hawaii Medical Education Council.

TODD SETO

Your Committee received testimony in support of the nomination for the appointment of Todd Seto from the University of Hawaii System, The Queen's Health Systems, and one individual.

Upon review of the testimony, your Committee finds that Todd Seto's background and dedication to serving the public qualify him to be appointed to the Hawaii Medical Education Council as a representative of a hospital at which accredited graduate medical education programs are conducted. Your Committee notes that Dr. Seto has been a physician specializing in cardiology since 1994 and also holds a master's degree in public health. Dr. Seto was certified by the American Board of Internal Medicine in 1994 and earned his Hawaii medical license in 1999. Dr. Seto is currently a cardiologist and Director of Academic Affairs and Research at Queen's Medical Center focusing on non-invasive cardiology and outcomes research. Previously, Dr. Seto also held several academic appointments. Your Committee finds that Dr. Seto has a thorough understanding of the role and responsibilities of council members and his extensive experience in medicine and related academia will continue to enhance the effectiveness of the Hawaii Medical

Education Council. Your Committee therefore recommends that Dr. Seto be appointed to the Hawaii Medical Education Council based on his knowledge, background, and dedication to public service.

JOSEPH STERBIS

Your Committee received testimony in support of the nomination for the appointment of Joseph Sterbis from the University of Hawaii System.

Upon review of the testimony, your Committee finds that Joseph Sterbis' background and dedication to serving the public qualify him to be appointed to the Hawaii Medical Education Council as a member representing a hospital at which accredited graduate medical education programs are conducted. Your Committee notes that Dr. Sterbis has been a physician since 1996, was certified by the American Board of Urologists in 2011, and is currently the Director of Medical Education and Designated Institutional Official at Tripler Army Medical Center. Dr. Sterbis has also held academic appointments inside and outside of the military and has an extensive record of publication. Your Committee finds that Dr. Sterbis has a thorough understanding of the role and responsibilities of council members and his extensive experience in medicine and related academia will continue to enhance the effectiveness of the Hawaii Medical Education Council. Your Committee therefore recommends that Dr. Sterbis be appointed to the Hawaii Medical Education Council based on his knowledge, background, and dedication to public service.

KATHRYN RYDER

Your Committee received testimony in support of the nomination for the appointment of Kathryn Ryder from the University of Hawaii System.

Upon review of the testimony, your Committee finds that Kathryn Ryder's background and dedication to serving the public qualify her to be appointed to the Hawaii Medical Education Council as a member representing the federal health care sector. Your Committee notes that Dr. Ryder has been a physician since 1996 and also holds a master's degree in epidemiology. Dr. Ryder was certified by the National Board of Medical Examiners in 1992, earned her Tennessee medical license in 1998, and has held numerous academic appointments. Dr. Ryder is currently the Acting Director of the United States Veteran Affairs Pacific Islands Health Care System. Your Committee finds that Dr. Ryder has a thorough understanding of the role and responsibilities of council members and her extensive background and leadership will continue to enhance the effectiveness of the Hawaii Medical Education Council. Your Committee therefore recommends that Dr. Ryder be appointed to the Hawaii Medical Education Council based on her knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Higher Education that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 3591 Higher Education on Gov. Msg. Nos. 796, 797, 798, 799, 800, 801, 802, 803, 804, and 805

Recommending that the Senate advise and consent to the nominations of the following:

HAWAI'I COMMISSION FOR NATIONAL AND COMMUNITY SERVICE

- G.M. No. 796 FREDERICK HOLSCHUH, for a term to expire 06-30-2022;
- G.M. No. 797 JANICE BOND, for a term to expire 06-30-2023;
- G.M. No. 798 JENNIFER DOTSON, for a term to expire 06-30-2020;
- G.M. No. 799 JENNIFER DOTSON, for a term to expire 06-30-2023;
- G.M. No. 800 JOHN ANDERSON, for a term to expire 06-30-2020;
- G.M. No. 801 JOHN ANDERSON, for a term to expire 06-30-2023;
- G.M. No. 802 KAI DUPONTE, for a term to expire 06-30-2022;
- G.M. No. 803 MONIQUE MIRONESCO, for a term to expire 06-30-2020;
- G.M. No. 804 MONIQUE MIRONESCO, for a term to expire 06-30-2023; and
- G.M. No. 805 SYLVIA YUEN, for a term to expire 06-30-2023

Your Committee has reviewed the personal histories, resumes, and statements submitted by Frederick Holschuh, Janice Bond, Jennifer Dotson, John Anderson, Kai Duponte, Monique Mironesco, and Sylvia Yuen for service on the Hawai'i Commission for National and Community Service.

FREDERICK HOLSCHUH

Your Committee received testimony in support of the nomination for the reappointment of Frederick Holschuh from the Hawai'i Commission for National and Community Service.

Upon review of the testimony, your Committee finds that Frederick Holschuh's professional experience, background, and desire to serve his community qualify him for reappointment to the Hawai'i Commission for National and Community Service as an education expert and health professional. Your Committee notes that Dr. Holschuh has been a physician specializing in emergency medicine since 1971. Your Committee further notes that Dr. Holschuh has been an active member in numerous professional and community organizations over the course of many years, including as a member of the Board of Land and Natural Resources, Hawaii County

Emergency Medical Services Commission, and MedQuest Provider Advisory Board. Your Committee further finds that Dr. Holschuh is currently serving as a member of the Hawai'i Commission for National and Community Service and his knowledge and experience continues to enhance the effectiveness of the Hawai'i Commission for National and Community Service. Your Committee therefore recommends that Dr. Holschuh be reappointed to the Hawai'i Commission for National and Community Service based on his background, knowledge, and desire to contribute to the community.

JANICE BOND

Your Committee received testimony in support of the nomination for the appointment of Janice Bond from the Hawai'i Commission for National and Community Service.

Upon review of the testimony, your Committee finds that Janice Bond's professional experience, background, and desire to serve her community qualify her for reappointment to the Hawai'i Commission for National and Community Service. Your Committee notes that Ms. Bond was a teacher in Kauai high schools for twenty years and awarded the Teacher of the Year for State Middle Schools in 1991. Your Committee finds Ms. Bond has been and continues to be an active member of numerous professional and community organizations in her retirement, including the March of Dimes, American Cancer Society, American Lung Association, American Heart Association, Read to Me International Foundation, Alzheimer's Association, Boy and Girl Scouts of America, and Lyceum series. Your Committee further finds that Ms. Bond is currently serving as a member of the Hawai'i Commission for National and Community Service and her knowledge and experience continues to enhance the effectiveness of the Hawai'i Commission for National and Community Service. Your Committee therefore recommends that Ms. Bond be reappointed to the Hawai'i Commission for National and Community Service based on her background, knowledge, and desire to contribute to the community.

JENNIFER DOTSON

Your Committee received testimony in support of the nomination for the appointment of Jennifer Dotson from the Hawai'i Commission for National and Community Service and thirty individuals.

Upon review of the testimony, your Committee finds that Jennifer Dotson's background and dedication to serving the public qualify her to be appointed to the Hawai'i Commission for National and Community Service. Your Committee notes that Ms. Dotson has been a nonprofit philanthropy professional since 2004 and is also an active member of numerous professional and community organizations, such as the United States Commission on Civil Rights, Hawaii Correctional Industries, and Association of Fundraising Professionals. Ms. Dotson is currently Vice President of Philanthropy with the National Kidney Foundation. Your Committee finds that she has a thorough understanding of the role and responsibilities of board members and her extensive experience in nonprofit philanthropy will enhance the effectiveness of the Hawai'i Commission for National and Community Service. Your Committee therefore recommends that Ms. Dotson be appointed to the Hawai'i Commission for National and Community Service based on her knowledge, background, and dedication to public service.

JOHN ANDERSON

Your Committee received testimony in support of the nomination for the appointment and reappointment of John Anderson from the Hawai'i Commission for National and Community Service.

Upon review of the testimony, your Committee finds that John Anderson's professional experience, background, and desire to serve his community qualify him for appointment and reappointment to the Hawai'i Commission for National and Community Service as a member representing local government. Your Committee notes that Dr. Anderson has been a School Counselor for 19 years and holds a master's degree in counseling and guidance, and a doctorate in educational policy. Your Committee further finds that Dr. Anderson has previously served as a member of the Hawai'i Commission for National and Community Service and his knowledge and experience continues to enhance the effectiveness of the Hawai'i Commission for National and Community Service. Your Committee therefore recommends that Dr. Anderson be appointed and reappointed to the Hawai'i Commission for National and Community Service on his background, knowledge, and desire to contribute to the community.

KAI DUPONTE

Your Committee received testimony in support of the nomination for the reappointment of Kai Duponte from the Hawai'i Commission for National and Community Service.

Upon review of the testimony, your Committee finds that Kai Duponte's professional experience, background, and desire to serve her community qualify her for reappointment to the Hawai'i Commission for National and Community Service as a member representing social services. Your Committee notes that Ms. Duponte has been a direct service provider and administrator in the social services and social work fields since 1982, and also holds a master's degree in social work. Your Committee finds Ms. Duponte is an active member in numerous professional and community organizations, including the Aloha United Way, Multiple Sclerosis Society, Hospice Hawaii, and Commission of the Status of Women (Maui Council). Your Committee further finds that Ms. Duponte is currently serving as a member of the Hawai'i Commission for National and Community Service and her knowledge and experience continues to enhance the effectiveness of the Hawai'i Commission for National and Community Service. Your Committee therefore recommends that Ms. Duponte be reappointed to the Hawai'i Commission for National and Community Service based on her background, knowledge, and desire to contribute to the community.

MONIQUE MIRONESCO

Your Committee received testimony in support of the nomination for the appointment and reappointment of Monique Mironesco from the Hawai'i Commission for National and Community Service.

Upon review of the testimony, your Committee finds that Monique Mironesco's background and dedication to serving the public qualify her to be appointed and reappointed to the Hawai'i Commission for National and Community Service as the member representing higher education. Your Committee notes that Dr. Mironesco has been involved in academics since 2002 and is presently a Professor of Political Science at the University of Hawaii at West Oahu. Your Committee further finds that Dr. Mironesco has an

extensive record of publication in service learning and other areas of inquiry and a proven record of success in securing extramural funding, grants, and awards. Previously, Dr. Mironesco was a classroom teacher for five years. Your Committee finds that Dr. Mironesco's extensive experience in academia will continue to enhance the effectiveness of the Hawai'i Commission for National and Community Service. Your Committee therefore recommends that Dr. Mironesco be appointed and reappointed to the Hawai'i Commission for National and Community Service based on her knowledge, background, and dedication to public service.

SYLVIA YUEN

Your Committee received testimony in support of the nomination for the reappointment of Sylvia Yuen from the Hawai'i Commission for National and Community Service and three private individuals.

Upon review of the testimony, your Committee finds that Sylvia Yuen's background and dedication to serving the public qualify her to be reappointed to the Hawai'i Commission for National and Community Service as a member representing the educational, training, and development needs of youths, particularly disadvantaged youths. Your Committee notes that Dr. Yuen is the Executive Director of the Research Corporation of the University of Hawaii, having served in that position since 2015. Previously, Dr. Yuen was Director of the University of Hawaii Center on the Family for nineteen years and also served as the first woman to lead the University of Hawaii College of Tropical Agriculture and Human Resources. Your Committee further finds that Dr. Yuen has an extensive professional background serving vulnerable populations in Hawaii, including the homeless, abused children, and financially-stressed families. Your Committee finds that Dr. Yuen has a thorough understanding of the role and responsibilities of the Commission and its members and her extensive experience with the Hawai'i Commission for National and Community Service will continue to enhance its effectiveness. Your Committee therefore recommends that Dr. Yuen be reappointed to the Hawai'i Commission for National and Community Service based on her knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Higher Education that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 3592 Higher Education on Gov. Msg. No. 795

Recommending that the Senate advise and consent to the nomination of the following:

CENTER FOR NURSING ADVISORY BOARD

G.M. No. 795 ROSE HATA, for a term to expire 06-30-2024

Your Committee has reviewed the personal history, resume, and statement submitted by Rose Hata for service on the Center for Nursing Advisory Board.

Your Committee received testimony in support of the nomination for the reappointment of Rose Hata from the Hawai'i State Center for Nursing and The Queen's Health Systems.

Upon review of the testimony, your Committee finds that Dr. Hata's background and dedication to serving the public qualify her to be reappointed to the Center for Nursing Advisory Board. Dr. Hata has received a doctorate in nursing practice and has extensive teaching experience. Dr. Hata has been an Advanced Practice Registered Nurse for the past decade and works in the intensive care unit. Dr. Hata currently serves as Director of the Queen Emma Nursing Institute at the Queen's Medical Center, where she has been nominated for the Queen's Nursing Excellence Award for three consecutive years, from 2011 to 2013. Your Committee finds that Dr. Hata is presently serving as a member of the Center for Nursing Advisory Board and her knowledge and experience continues to enhance the effectiveness of the Board. Your Committee therefore recommends that Dr. Hata be reappointed to the Center for Nursing Advisory Board based on her background, knowledge, and desire to contribute to the community.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 3593 Agriculture and Environment on Gov. Msg. No. 501

Recommending that the Senate advise and consent to the nomination of the following:

DEPUTY DIRECTOR OF THE DEPARTMENT OF AGRICULTURE

G.M. No. 501 MORRIS ATTA, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Morris Atta for service as the Deputy Director of the Department of Agriculture.

Your Committee received testimony in support of the nomination for the appointment of Morris Atta from the Governor; Department of Agriculture; Department of Budget and Finance; Department of Land and Natural Resources; Department of Transportation; Department of Taxation; Department of Labor and Industrial Relations; Department of Accounting and General Services; Department of Public Safety; Department of Defense; Department of Hawaiian Home Lands; Department of Business, Economic Development, and Tourism; Department of Human Resources Development; Department of Health; Office of Enterprise Technology Services; Office of Planning; Agribusiness Development Corporation; Hawaii State Energy Office; Harbors Division of the Department of Transportation; Scott E. Enright Company LLC; Hawaii Cattlemen's Council; Ulupalakua Ranch, Inc.; Rosehill &

Associates; Hawai'i Farm Bureau; Kauai County Farm Bureau; The Kohala Center; Ponoholo Ranch Limited; Larry Jeffs Farms, LLC; Aikane Plantation; Aileen's Nursery; Hawaiian Flower Gardens; Tropical Flowers Express; Waihale Products; Pacific Ag Consultants; Dina's Garden; The Grassmaster; Orchid Plantation, Inc.; Flowers Forever LLC; Melvin Kunitake Farm; KRB LLC; Mulhern Landscaping & Nursery; Ulupono Initiative; SanHi Government Strategies; and forty-four individuals.

Mr. Atta earned a Juris Doctorate from the New York University School of Law and a Bachelor of Arts degree in Psychology from Yale. After his admission into the Hawaii Bar in 1984, Mr. Atta began working full time as an attorney for various law firms before opening his own private practice, where he took on cases with an emphasis in Real Property, Environmental, Land Use, Health, Intellectual Property, Estate Planning, General Business, and Nonprofit Law issues for almost fifteen years. It was during this time where he also lent his legal expertise to the Department of Commerce and Consumer Affairs and the Hawaii State Senate.

In 2004, Mr. Atta was hired by the Land Division of the Department of Land and Natural Resources as a Special Projects Coordinator. Mr. Atta rose within the ranks of the Land Division and became the States Land Administrator during the next twelve years. Throughout this time, Mr. Atta worked to ensure the economical and productive management of state-owned lands and to support the State's priorities to support agriculture, increase renewable energy production, protect natural resources and the environment, and perpetuate Hawaii's unique cultural identity.

Soon after, Mr. Atta was hired as the Deputy Director, Right-Of-Way, for the Honolulu Authority for Rapid Transportation (HART), where he served as the head of land acquisition for the Honolulu Rail Transit Project and oversaw the right-of-way acquisition, including real property management and agency compliance with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. After three years at HART, the Agricultural Resource Management Division of the Department of Agriculture hired him as their Agricultural Land Program Manager/Administrator where he promoted and supported the effective planning, acquisition, disposition, development, and use of the State's agricultural land resources.

Mr. Atta has served as both a member and a chair of several professional associations. He continues to serve on various boards and advisory committees, including the American Diabetes Association's Advocacy Committee, Community Leadership Board, and National Legislative & Regulatory Subcommittee.

Your Committee finds that testimony submitted in support of Mr. Atta's nomination universally speak to his impressive background and extensive knowledge of the land and agriculture laws and policies in Hawaii. Additionally, testifiers commended his calm demeanor and high level of competency in the face of difficult policy issues. Testimony submitted by the Department of Agriculture specifically praised his genuine commitment to public service and desire to serve Hawaii's farmers, ranchers, and growers.

After hearing from Mr. Atta and considering his resume and statement, your Committee finds that Mr. Atta demonstrates a high-level of understanding of not only government administration, but also the State's efforts to maintain the agricultural sector of Hawaii's economy, including livestock production, forestry, crops, and aquaculture. His background, including his expertise in Agriculture, Land Use, Emergency Management, Natural Resource Management, Water Resource Management, Policy Analysis, and Renewable Energy issues, along with his dedication to public service make him exceptionally qualified to serve as the Deputy Director of the Department of Agriculture.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3594 Agriculture and Environment on Gov. Msg. No. 549

Recommending that the Senate advise and consent to the nomination of the following:

DIRECTOR OF THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL

G.M. No. 549 KATHLEEN S.Y. HO, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Kathleen S.Y. Ho for service as the Director of the Office of Environmental Quality Control.

Your Committee received testimony in support of the nomination for the reappointment of Kathleen S.Y. Ho from the Governor, Department of Health, Department of Land and Natural Resources, Department of Transportation, Department of Labor and Industrial Relations, Department of Hawaiian Home Lands, Department of Public Safety, Hawaii State Energy Office, SanHi Government Strategies, and forty-two individuals.

Ms. Ho earned a Juris Doctorate from the University of California Hastings College of the Law, an Environmental Law LLM from the Lewis and Clark Law School, and a Bachelor of Sciences degree in Biology from the University of San Francisco. In addition to her admission into the Hawaii Bar in 1983, Ms. Ho also was the Law Clerk for Judge Leland Spencer of the First Circuit Court in the State of Hawaii from 1983 to 1984.

After completing her clerkship, Ms. Ho continued her legal career with Lee, Henderson, and Wong, where she specialized in insurance defense. After making partner in 1990, Ms. Ho branched out and began working for the Department of the Corporation Counsel where she oversaw the defense of the City and County of Honolulu against constitutional and statutory claims involving environmental, excessive-force, and tort allegations. In the following year, Ms. Ho began working as a Deputy Attorney General in the Health Division of the Department of the Attorney General, where she continues to be employed.

For the last twenty-seven years, Ms. Ho has represented the State of Hawaii in all aspects of environmental law, including advice and counsel, procurement, rulemaking, defense and enforcement, which include issues relating to hazardous waste, solid waste management, natural resources damages, and environmental crimes.

It was also during this time that Ms. Ho began advising the Office of Environmental Quality Control and the Environmental Council on various matters, including the drafting of their 1996 administrative rules. From 1994 to 1997, Ms. Ho demonstrated her expertise on Environmental Quality Control matters as an Adjunct Professor for Hazardous Waste Law and Pre-Trial Litigation at the William S. Richardson School of Law. Some of the awards and commendations she received throughout her career include a Certificate of Commendation from the U.S. Department of Justice, a Sustained Superior Performance Award from the Department of the Attorney General, and a Certificate of Appreciation and the Department of Health.

Your Committee finds that testimony submitted in support of Ms. Ho's nomination universally speak positively as to her regulatory and legal experience in environmental health issues in Hawaii. Testimony submitted by the Department of Health specifically praised her advocacy for environmental stewardship, which has resulted in numerous protections for the natural environment, as well as corrective actions for polluters and violators. Additionally, testifiers commended her integrity, passion, and collaborative and effective leadership.

After hearing from Ms. Ho and considering her resume and statement, your Committee finds that Ms. Ho demonstrates a high-level of understanding of the State's environmental review process, and her leadership experience and dedication to public service make her exceptionally qualified to serve as the Director of the Office of the Environmental Quality Control.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3595 Agriculture and Environment on Gov. Msg. No. 568

Recommending that the Senate advise and consent to the nomination of the following:

ADVISORY COMMITTEE ON PESTICIDES

G.M. No. 568 ARNOLD HARA, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Arnold Hara for service on the Advisory Committee on Pesticides.

Your Committee received testimony in support of the nomination for the reappointment of Arnold Hara from the Department of Agriculture; Ponoholo Ranch Limited; Hawai'i Farm Bureau; Kauai County Farm Bureau; Larry Jefts Farms, LLC; and twenty-eight individuals.

Upon review of the testimony, your Committee finds that Dr. Hara's experience as a professor and entomologist, commitment to public service, and proven leadership qualify him for reappointment to the Advisory Committee on Pesticides as a representative of the Hawaii Farm Bureau Federation. Your Committee notes that Dr. Hara has been with the Department of Plant and Environmental Sciences at the University of Hawaii for over thirty-five years, focusing on insect and mite pests of agricultural and floricultural crops, elucidating the bionomics of these pests, and developing pest management programs that minimize the use of chemical pesticides. Some of Dr. Hara's research accomplishments include the development of heat treatments to control quarantine pests, including the invasive coqui frog. Dr. Hara has received many awards and published over seventy research papers in national and international journals on pesticides and nonchemical controls of invasive species. Your Committee further finds that Dr. Hara has served on the Advisory Committee on Pesticides since 2015. Dr. Hara's experience and knowledge will continue to be assets to the Advisory Committee on Pesticides. Your Committee therefore recommends that Dr. Hara be reappointed to the Advisory Committee on Pesticides based on his knowledge, experience, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3596 Agriculture and Environment on Gov. Msg. No. 641

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF AGRICULTURE

G.M. No. 641 EN YOUNG, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by En Young for service as a member of the Board of Agriculture.

Your Committee received testimony in support of the nomination for the appointment of En Young from the Department of Agriculture, Hawaii Food Industry Association, a Hawaii County Councilmember, and one individual.

Upon review of the testimony, your Committee finds that Mr. Young's background and desire to serve his community qualify him for appointment to the Board of Agriculture. Your Committee notes that Mr. Young was previously hired as the Executive Director of The Food Basket, Inc. and as a contract, performance, and evaluation administrator of the Office of Community Services, where he supervised the U.S. Department of Agriculture Emergency Food Program and the Senior Farmer's Market Nutrition Program. Mr. Young currently works as the General Manager of Sensei Holdings, Inc., where he is building a team to staff a modern hydroponic farm on Lanai. Your Committee further notes that Mr. Young has served as the Chair of the Hawaii Alliance of Non-Profit

Organizations, Director of the Hawaii Public Health Institute, and Director of the Hawaii Public Housing Authority. Your Committee further notes that Mr. Young has a thorough understanding of the roles and responsibilities of board members and his background and perspective, especially in new agricultural technologies, will enhance the effectiveness of the Board of Agriculture. Your Committee therefore recommends that Mr. Young be appointed to the Board of Agriculture based on his knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3597 Ways and Means on Gov. Msg. No. 781

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF TAXATION REVIEW, 1ST TAXATION DISTRICT (OAHU)

G.M. No. 781 FRANCIS IMADA, for a term to expire 06-30-2023

Your Committee reviewed the personal statement and resume submitted by Francis Imada for service on the Board of Taxation Review, 1st Taxation District (Oahu).

Your Committee received testimony in support of the nomination from the Department of Taxation and Matson Navigation.

Upon review of the testimony and the nominee's qualifications, your Committee finds that the nominee's knowledge of accounting, taxation, and finance qualify him to serve on the Board of Taxation Review. Your Committee notes that Mr. Imada served on the Board of Taxation Review from 2018 to 2019 and has more than twenty-five years of experience in accounting, taxation, and finance. Your Committee also notes that the nominee earned a Bachelor of Business Administration Degree in Accounting with distinction from the University of Hawaii at Manoa. His professional experience includes seven years as a Senior Tax Manager for Ernst and Young, LLP; seven years as a Tax Partner of Deloitte and Touche, LLP; twenty-three years as Chief Financial Officer of Clinical Laboratories of Hawaii, LLP; and two years as a Project Manager for Pharmacare Hawaii, where he currently coordinates financial projects for six business lines.

Your Committee finds that Francis Imada's extensive experience in accounting, taxation, and finance will make him an effective member of the Board of Taxation Review.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Keith-Agaran, Taniguchi).

SCRep. 3598 Ways and Means on Gov. Msg. No. 782

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF TAXATION REVIEW, 1ST TAXATION DISTRICT (OAHU)

G.M. No. 782 GLENN SAKUDA, for a term to expire 06-30-2021

Your Committee reviewed the personal statement and resume submitted by Glenn Sakuda for service on the Board of Taxation Review, 1st Taxation District (Oahu).

Your Committee received testimony in support of the nomination from the Department of Taxation.

Upon review of the testimony and the nominee's qualifications, your Committee finds that the nominee's knowledge of accounting, taxation, law, and finance qualify him to serve on the Board of Taxation Review. Your Committee notes that Mr. Sakuda served for almost forty years as a certified public accountant for Deloitte Tax, LLP. Your Committee also notes that he earned a Bachelor of Business Administration Degree in Accounting, with honors, from the University of Hawaii, and a Juris Doctor Degree from the University of Washington School of Law; is certified by the Hawaii Society of Certified Public Accountants; and is a member of the Hawaii State Bar Association.

Your Committee finds that Mr. Sakuda's extensive experience in accounting and finance and his background in law will make him an effective member of the Board of Taxation Review.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Keith-Agaran, Taniguchi).

SCRep. 3599 Ways and Means on Gov. Msg. No. 783

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF TAXATION REVIEW, 1ST TAXATION DISTRICT (OAHU)

G.M. No. 783 NEIL HIRASUNA, for a term to expire 06-30-2023

Your Committee reviewed the personal statement and resume submitted by Neil Hirasuna for service on the Board of Taxation Review, 1st Taxation District (Oahu).

Your Committee received testimony in support of the nomination from the Department of Taxation.

Upon review of the testimony and the nominee's qualifications, your Committee finds that the nominee's knowledge of finance and accounting qualify him to serve on the Board of Taxation Review. Your Committee notes that Mr. Hirasuna has served on the Board of Taxation Review, 1st Taxation District, for the Hawaii Department of Taxation since 2017 and has more than eleven years of professional experience in finance and accounting. His professional experience includes nine years as a financial auditor for Deloitte and Touche, LLP; two years as a corporate controller for Pacific Fishing and Supply, Inc.; and two years as the Chief Financial Officer of Fresh Island Fish Co, Inc. Your Committee also notes that Mr. Hirasuna earned a Bachelor of Science degree in Accounting and a Master of Accounting degree from the University of Southern California.

Your Committee finds that Mr. Hirasuna's extensive experience in accounting and finance will make him an effective member of the Board of Taxation Review.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Keith-Agaran, Taniguchi).

SCRep. 3600 Ways and Means on Gov. Msg. No. 784

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF TAXATION REVIEW, 3RD TAXATION DISTRICT (HAWAII)

G.M. No. 784 CHRISTOPHER HANNIGAN, for a term to expire 06-30-2024

Your Committee received testimony in support of Christopher Hannigan from the Department of Taxation.

Your Committee finds that the nominee is the President and CEO of Midnight Oil, Inc., a private accounting firm that provides general accounting, tax preparation, and software support services. His previous account manager position at the firm included bookkeeping and payroll processing tasks.

Mr. Hannigan received a Bachelor of Business Administration degree from the University of Hawaii at Hilo. He passed the Internal Revenue Service special enrollment examination and thus has enrolled agent status.

Your Committee notes the nominee's personal statement to the effect that the Board is short-staffed and applicants are rare. The nominee's previous term on the same Board will provide relevant experience. The nominee's goals are to provide taxpayers with timely responses to their tax issues and for the State to efficiently resolve tax appeal cases.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Keith-Agaran, Taniguchi).

SCRep. 3601 Ways and Means on Gov. Msg. No. 785

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF TAXATION REVIEW, 3RD TAXATION DISTRICT (HAWAII)

G.M. No. 785 MARILYN GAGEN, for a term to expire 06-30-2023

Your Committee received testimony in support of Marilyn Gagen from the Department of Taxation.

Your Committee finds that the nominee is a semi-retired CPA having over forty-five years of experience in public accounting. She was one of the first women partners in the international accounting firm of Deloitte & Touche, LLP, and was transferred to Honolulu in 1991 to become partner-in-charge of the firm's Hawaii tax practice. She retired from Deloitte in 2002 and currently provides tax planning services for several long-time clients.

Ms. Gagen received a Bachelor of Science in Accounting from Case Western Reserve University in Cleveland, Ohio. She presently chairs the Board of Taxation Review, 3rd Taxation District, as a holdover member and served on the Hawaii Tax Review Commission from 2001 to 2003. Her community service activities include a position on the board of the Kohala Ranch Community Association as Treasurer and Chair of the Investment, Finance, and Audit Committee.

Your Committee notes the nominee's personal statement to the effect that the nominee's prior experience serving on the Tax Review Commission enables her to take a "big picture" view of the State's tax system from a policy standpoint. During the nominee's term as Chair of the Board of Taxation Review, 3rd Taxation District, the Board met more frequently than required to reduce the backlog of cases. The nominee's goal is to provide taxpayers with a fair, speedy, and less confrontational appeal process.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Keith-Agaran, Taniguchi).

SCRep. 3602 Ways and Means on Gov. Msg. Nos. 786, 787, 788, 789, 790, and 791

Recommending that the Senate advise and consent to the nominations of the following:

TAX REVIEW COMMISSION

- G.M. No. 786 ALTON MIYASHIRO, for a term to expire upon completion of the Tax Review Commission's duties or dissolution of the Tax Review Commission;
- G.M. No. 787 ELIZABETH GIESTING, for a term to expire upon completion of the Tax Review Commission's duties or dissolution of the Tax Review Commission;
- G.M. No. 788 KAIYO HIRASHIMA, for a term to expire upon completion of the Tax Review Commission's duties or dissolution of the Tax Review Commission;
- G.M. No. 789 KATHARINE LLOYD, for a term to expire upon completion of the Tax Review Commission's duties or dissolution of the Tax Review Commission;
- G.M. No. 790 MURRAY CLAY, for a term to expire upon completion of the Tax Review Commission's duties or dissolution of the Tax Review Commission; and
- G.M. No. 791 SCOTT TERUYA, for a term to expire upon completion of the Tax Review Commission's duties or dissolution of the Tax Review Commission

Your Committee reviewed the personal statements and resumes submitted by Alton Miyashiro, Elizabeth Giesting, Kaiyo Hirashima, Katharine Lloyd, Murray Clay, and Scott Teruya for service on the Tax Review Commission.

Alton Miyashiro

Your Committee received testimony in support of the nomination of Alton Miyashiro from the Department of Taxation.

Upon review of the testimony and the nominee's qualifications, your Committee finds that the nominee has over forty-three years of audit, taxation, and consulting experience. Your Committee notes that Mr. Miyashiro's professional experience includes serving as a Tax Principal, and later as a Managing Principal, at N&K CPAs, Inc. Your Committee further notes that Mr. Miyashiro earned a Bachelor of Business Administration degree in accounting from the University of Hawaii at Manoa and that Mr. Miyashiro is both a Certified Public Accountant and a Chartered Global Management Accountant. Your Committee acknowledges that Mr. Miyashiro is a University of Hawaii, Shidler College of Business Hall of Honor inductee and has been recognized by Accounting Today as one of the "Top 10 Elite Managing Partners in the United States."

Your Committee finds that Alton Miyashiro's education and experience in accounting and taxation qualify him to serve as a member of the Tax Review Commission.

Elizabeth Giesting

Your Committee received testimony in support of the nomination of Elizabeth Giesting from the Department of Taxation, University of Hawaii, and three individuals.

Upon review of the testimony and the nominee's qualifications, your Committee finds that the nominee has served as the Director of the Hawaii Budget and Policy Center since 2018. Your Committee further finds that Ms. Giesting has previously served as an Independent Consultant, the Health Care Transformation Coordinator and Director of Innovation for the Office of the Governor, the Chief Executive Officer of the Hawaii Primary Care Association, and the Executive Director of the Kalihi-Palama Health Center. Your Committee notes that Ms. Giesting earned a Master of Science degree in instructional systems technology from Indiana University and a Bachelor of Arts degree in history from Ball State University.

Your Committee finds that Elizabeth Giesting's experience in taxation and public policy qualifies her to serve as a member of the Tax Review Commission.

Kaiyo Hirashima

Your Committee received testimony in support of the nomination of Kaiyo Hirashima from the Department of Taxation and Hawaiian Airlines.

Upon review of the testimony and the nominee's qualifications, your Committee finds that the nominee has served as the Controller and Vice President of Hawaiian Airlines, Inc., since 2015. Your Committee also finds that Mr. Hirashima has previously served as the Chief Financial Officer and Vice President of Kokooa Investments, Inc. and MidPac Petroleum, LLC; the Director of Accounting for Hawaii Stevedores, Inc.; the Vice President and Manager for External Reporting for BancWest Corporation and First Hawaiian Bank; a Senior Associate for PricewaterhouseCoopers; and an Administrative Supervisor for Xpress Trucking and Distribution. Your Committee notes that Mr. Hirashima earned a Bachelor of Business Administration degree in accounting and finance from the University of Hawaii at Manoa and is a Certified Public Accountant.

Your Committee finds that Kaiyo Hirashima's education and experience in accounting and finance qualify him to serve as a member of the Tax Review Commission.

Katharine Lloyd

Your Committee received testimony in support of the nomination of Katharine Lloyd from the Department of Taxation and Matson Navigation.

Upon review of the testimony and the nominee's qualifications, your Committee finds that the nominee has served as the Senior Vice President and General Counsel of the Hawaii Community Foundation since 2016. Your Committee further finds that Ms. Lloyd has previously served as a Deputy General Counsel and an Assistant Secretary of the Board for Hawaii Pacific University; the General Counsel and Vice President of Philanthropy and Operations for the Hawaii Community Foundation; a Lecturer in Law for the William S. Richardson School of Law; a Senior Vice President and the Division Manager of the Trust and Investments Division of First Hawaiian Bank; an Attorney at Ashford and Wriston; a Research Assistant at the University of Wisconsin Law School; and a Summer Associate at Stafford, Rosenbaum, Rieser and Hansen. Your Committee notes that Ms. Lloyd graduated cum laude with a Juris Doctor degree from the University of Wisconsin Law School and with honors with a Bachelor of Science degree from the University of Wisconsin at Stevens Point.

Your Committee finds that Katharine Lloyd's education and experience in taxation and law qualify her to serve as a member of the Tax Review Commission.

Murray Clay

Your Committee received testimony in support of the nomination of Murray Clay from the Department of Taxation and three individuals.

Upon review of the testimony and the nominee's qualifications, your Committee finds that the nominee served as the Managing Partner and Managing Director of Ulupono Initiative, LLC, before being promoted to President of the organization in 2019. Your Committee further finds that Mr. Clay has previously served as a Deputy Chief Investment Officer for SDS Management, LLC; a Principal at Brightforge Management, LLC; the Managing Director at SDS Capital Management, LLC; an Associate at the Banc of America Securities LLC's Montgomery Private Client Services group; the Director of the Asia-Pacific Orientation Course at the United States Air Force Special Operations School; and the Chief of Intelligence Operations for the 67th Special Operations Squadron of the United States Air Force. Your Committee notes that Mr. Clay earned a Master of Business Administration degree in finance and economics from the University of Chicago, Graduate School of Business, and a Bachelor of Science degree in international affairs with a minor in Japanese from the United States Air Force Academy.

Your Committee finds that Murray Clay's education and experience in finance qualify him to serve as a member of the Tax Review Commission.

Scott Teruya

Your Committee received testimony in support of the nomination of Scott Teruya from the Department of Taxation, Matson Navigation, and two individuals.

Upon review of the testimony and the nominee's qualifications, your Committee finds that the nominee has served as the Director of Finance for the County of Maui since 2019. Your Committee further finds that Mr. Teruya has previously served as a County Real Property Tax Administrator for the Department of Finance of the County of Maui, a Staff Appraiser at Paradise Appraisals, a Real Property Appraiser III for the Real Property Assessment Division of the Department of Finance of the City and County of Honolulu, and a Staff Appraiser for Steven Nishimura and Associates, Inc. Your Committee notes that Mr. Teruya earned a Bachelor of Business Administration degree in real estate from the University of Hawaii at Manoa.

Your Committee finds that Scott Teruya's education and experience in finance and public service qualify him to serve as a member of the Tax Review Commission.

As affirmed by the records of votes of the members of your Committee on Ways and Means that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Keith-Agaran, Taniguchi).

SCRep. 3603 Labor, Culture and the Arts on Gov. Msg. Nos. 577, 578, 579, 580, 581, and 582

Recommending that the Senate advise and consent to the nominations of the following:

KING KAMEHAMEHA CELEBRATION COMMISSION

G.M. No. 577 LOUISE ALINA, for a term to expire 06-30-2020;

G.M. No. 578 LOUISE ALINA, for a term to expire 06-30-2024;

G.M. No. 579 OLIVIA MANN, for a term to expire 06-30-2023;

G.M. No. 580 KAUHI AHANA, for a term to expire 06-30-2022;

G.M. No. 581 GERALDINE MIYAMOTO, for a term to expire 06-30-2021; and

G.M. No. 582 LYAH KAMA-DRAKE, for a term to expire 06-30-2022

Your Committee reviewed the personal histories, resumes, and statements submitted by Louise Alina, Olivia Mann, Kauhi Ahana, Geraldine Miyamoto, and Lyah Kama-Drake for service on the King Kamehameha Celebration Commission.

LOUISE ALINA

Your Committee received testimony in support of the nomination for the appointment and reappointment of Louise Alina from the King Kamehameha Celebration Commission; Ahahui Kaahumanu, Chapter I, Honolulu; Association of Hawaiian Civic Clubs; and one individual.

Upon review of the testimony, your Committee finds that Ms. Alina's background and desire to serve her community qualify her for consideration for appointment and reappointment to the King Kamehameha Celebration Commission. Your Committee notes that Ms. Alina has been a professional artist and member of the Windward Artist Guild for over ten years. Your Committee further notes that Ms. Alina is also active in community organizations, including serving as vice-president of Ahahui Kaahumanu, Chapter I; a member of the Nahiku Community Association; the Kaneohe Senior Center; and a member and auditor of Na Kupuna O Koolau. Your Committee further finds that Ms. Alina has served as an interim member of the King Kamehameha Celebration Commission and her knowledge and experience continues to enhance the effectiveness of the King Kamehameha Celebration Commission. Your Committee therefore recommends that Ms. Alina be appointed and reappointed to the King Kamehameha Celebration Commission based on her background, knowledge, and desire to contribute to the community.

OLIVIA MANN

Your Committee received testimony in support of the nomination for the appointment of Olivia Mann from the King Kamehameha Celebration Commission, Daughters and Sons of Hawaiian Warriors- Mamakakaua, Association of Hawaiian Civic Clubs, and one individual.

Upon review of the testimony, your Committee finds that Ms. Mann's expertise and experience and history of community involvement qualify her to be appointed to the King Kamehameha Celebration Commission. She has been kokua kumu hula, Hālau chanter, and ho'opa'a of Hālau Hula O Maiki, sharing its philosophy and legacy since 1984. Your Committee further finds that Ms. Mann was awarded the Pillar of the Hawaiian Community award in 2010, presented by Lodge Le Progres De l'Océanie. Section 8-5(a)(4), Hawaii Revised Statutes, requires the King Kamehameha Celebration Commission to have at least one member from the Daughters and Sons of Hawaiian Warriors. She has been a member of the Daughters and Sons of Hawaiian Warriors since 2013, and her appointment to the Commission will fulfil the statutory requirement for representation from that organization. Your Committee finds that Ms. Mann's experience and commitment to the community will be assets to the King Kamehameha Celebration Commission. Your Committee therefore recommends that Ms. Mann be appointed to the King Kamehameha Celebration Commission based on her background, knowledge, and desire to serve the community.

KAUHI AHANA

Your Committee received testimony in support of the nomination for the appointment of Kauhi Ahana from the King Kamehameha Celebration Commission and the Association of Hawaiian Civic Clubs.

Upon review of the testimony, your Committee finds that Mr. Ahana's experience and history of community involvement qualify him for appointment to the King Kamehameha Celebration Commission. Your Committee notes that Mr. Ahana possesses considerable experience in administrative and management positions requiring leadership and organizational skills. Section 8-5(a)(5), Hawaii Revised Statutes, requires the King Kamehameha Celebration Commission to have at least one member from the Kamehameha Schools Alumni Association. Mr. Ahana is a member of the Kamehameha Schools Alumni Association, and his appointment and reappointment to the Commission will fulfil the statutory requirement for representation from that organization. Your Committee therefore recommends that Kauhi Ahana be appointed to the King Kamehameha Celebration Commission based on his background, knowledge, and desire to contribute to the community.

GERALDINE MIYAMOTO

Your Committee received testimony in support of the nomination for the appointment of Geraldine Miyamoto from the King Kamehameha Celebration Commission, Daughters of Hawai'i, Association of Hawaiian Civic Clubs, and two individuals.

Upon review of the testimony, your Committee finds that Ms. Miyamoto's experience, background, and commitment to public service qualify her for appointment to the King Kamehameha Celebration Commission. Your Committee notes that she has been the gift shop manager at Queen Emma Summer Palace and Mission Houses Museum. Your Committee further notes that Ms. Miyamoto has been an active member in community organizations, including Ahahui Kaahumanu, the Daughters of Hawaii, and Aha Hipuu. Ms. Miyamoto's professional experience and community involvement will help support the important efforts of the King Kamehameha Celebration Commission. Your Committee therefore recommends that Ms. Miyamoto be appointed to the King Kamehameha Celebration Commission based on her background, knowledge, and desire to serve the community.

LYAH KAMA-DRAKE

Your Committee received testimony in support of the nomination for the appointment of Lyah Kama-Drake from the King Kamehameha Celebration Commission; Royal Order of Kamehameha I, Kaunualii Chapter No. 3; Kauai Museum; Association of Hawaiian Civic Clubs; and seven individuals.

Upon review of the testimony, your Committee finds that Ms. Kama-Drake's experience, background, and commitment to public service qualify her for appointment to the King Kamehameha Celebration Commission. Your Committee notes that Ms. Kama-Drake has been a cultural specialist since 2007 where she has planned and organized events, parades, festivals and fundraising activities. Her professional experience, commitment to education, value of Hawaiian culture, and community service will be assets to the King Kamehameha Celebration Commission. Your Committee therefore recommends that Ms. Kama-Drake be appointed to the King Kamehameha Celebration Commission based on her knowledge, experience, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Labor, Culture and the Arts that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3604 Labor, Culture and the Arts on Gov. Msg. Nos. 613 and 614

Recommending that the Senate advise and consent to the nominations of the following:

HOISTING MACHINE OPERATORS ADVISORY BOARD

G.M. No. 613 TIMOTHY CHATFIELD, for a term to expire 06-30-2020; and

G.M. No. 614 TIMOTHY CHATFIELD, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Timothy Chatfield.

Your Committee received testimony in support of the nomination for the appointment and reappointment of Timothy Chatfield from American Electric and two individuals.

Upon review of the testimony, your Committee finds that Mr. Chatfield's professional experience, background, and desire to serve his community qualify him for consideration for appointment and reappointment to the Hoisting Machine Operators Advisory Board. Your Committee notes that he is the general manager of Crane Tech, LLC and prior to that was a crane and mechanics sales manager. Your Committee further notes that Mr. Chatfield is an active member in various professional and community organizations, including the Wahiawa Community Garden Board and Sustainable Coastlines Honolulu. Your Committee finds that Mr. Chatfield has served as an interim member of the Hoisting Machine Operators Advisory Board and his knowledge and experience continues to enhance the effectiveness of the Board. Your Committee therefore recommends that Mr. Chatfield be appointed and reappointed to the Hoisting Machine Operators Advisory Board based on his background, knowledge, and desire to contribute to the community.

As affirmed by the records of votes of the members of your Committee on Labor, Culture and the Arts that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3605 Labor, Culture and the Arts on Gov. Msg. Nos. 615 and 616

Recommending that the Senate advise and consent to the nominations of the following:

HAWAII HISTORIC PLACES REVIEW BOARD

G.M. No. 615 KATHARINE STEPHENS, for a term to expire 06-30-2024; and

G.M. No. 616 ALTON OKINAKA, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Katharine Stephens and Alton Okinaka for service on the Hawaii Historic Places Review Board.

KATHARINE STEPHENS

Your Committee received testimony in support of the nomination for the reappointment of Katharine Stephens from the Department of Land and Natural Resources and the Historic Hawai'i Foundation.

Upon review of the testimony, your Committee finds that Ms. Stephens' experience, knowledge, and proven leadership qualify her for reappointment to the Hawaii Historic Places Review Board. Your Committee notes that Ms. Stephens has twenty-seven years of experience in architecture and has been licensed as an architect in Hawaii since 1994. Ms. Stephens is a historic architect and co-author and is currently working on the Battlefield Preservation Plan for Ewa Field, Hawaii. Previously, she served as a project architect for the adaptive reuse of the former girls school in Kapaau and was the historic architect for the restoration of Washington Place. Your Committee further finds that Ms. Stephens has served on the Hawaii Historic Places Review Board since 2017. Ms. Stephens' experience and knowledge will continue to be assets to the Hawaii Historic Places Review Board. Your Committee therefore recommends that Ms. Stephens be reappointed to the Hawaii Historic Places Review Board based on her experience, knowledge, and commitment to public service.

ALTON OKINAKA

Your Committee received testimony in support of the nomination for the reappointment of Alton Okinaka from the Department of Land and Natural Resources.

Upon review of the testimony, your Committee finds that Dr. Okinaka's experience, knowledge, and proven leadership on the Hawaii Historic Places Review Board qualify him for reappointment to the Hawaii Historic Places Review Board. Your Committee notes that Dr. Okinaka has forty-two years of experience in higher education. He has worked as a professor and researcher for the University of Hawaii at Hilo since 1987. Your Committee further finds that Dr. Okinaka has served on the Hawaii Historic Places Review Board since 2015. Dr. Okinaka's experience and knowledge will continue to be assets to the Hawaii Historic Places Review Board. Your Committee therefore recommends that Dr. Okinaka be reappointed to the Hawaii Historic Places Review Board based on his experience, knowledge, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Labor, Culture and the Arts that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 3606 Labor, Culture and the Arts on Gov. Msg. Nos. 657 and 658

Recommending that the Senate advise and consent to the nominations of the following:

STATE FOUNDATION ON CULTURE AND THE ARTS COMMISSION

G.M. No. 657 CLYDE SAKAMOTO, for a term to expire 06-30-2024; and

G.M. No. 658 LLOYD ITSUMI UNEBASAMI, for a term to expire 06-30-2023

Your Committee has reviewed the personal histories, resumes, and statements submitted by the nominees and finds Clyde Sakamoto and Lloyd Itsumi Unebasami to possess the requisite qualifications to be nominated to the State Foundation on Culture and the Arts Commission.

CLYDE SAKAMOTO

Your Committee received testimony in support of the nomination for the reappointment of Clyde Sakamoto from the Hawai'i State Foundation on Culture and the Arts.

Upon review of the testimony, your Committee finds that Mr. Sakamoto's public service experience and background in higher-education qualify him to be nominated for reappointment to the State Foundation on Culture and the Arts Commission representing the Island of Maui. Your Committee notes that Mr. Sakamoto is the former Dean and Provost of Maui Community College and is now retired and designated as the Chancellor Emeritus of the University of Hawai'i Maui College. He has served on the Maui Arts and Culture Center Board, is a founding and current member of the University of Hawai'i Maui College Ka Ipu Kukui Steering Committee, and serves on the International Small Island Studies Association Executive Committee and the Hawaiian Islands Land Trust Board of Directors. Based on his knowledge, experience, and commitment to public service, your Committee finds that Mr. Sakamoto will continue to be an asset to the Commission. Your Committee therefore recommends that Mr. Sakamoto be reappointed to the State Foundation on Culture and the Arts based on his knowledge, background, and dedication to public service.

LLOYD ITSUMI UNEBASAMI

Your Committee received testimony in support of the nomination for the appointment of Lloyd Itsumi Unebasami from the Hawai'i State Foundation on Culture and the Arts and one individual.

Upon review of the testimony, your Committee finds that Mr. Unebasami's background and dedication to serving the public qualify him to be appointed to the State Foundation on Culture and the Arts Commission. Your Committee notes that Mr. Unebasami has experience in consultant services for nine years. Previously, Mr. Unebasami served as Director of Finance and Project Management for the Research Corporation for the University of Hawaii and Interim President and Chief Executive Officer of the Hawaii Tourism Authority. Your Committee finds that he is currently serving as the Foundation's interim chairperson, and as such has a thorough understanding of the role and responsibilities of its members. In addition, Mr. Unebasami has extensive experience in accounting and public administration that will continue to enhance the effectiveness of the State Foundation on Culture and the Arts Commission. Your Committee therefore recommends that Mr. Unebasami be appointed to the State Foundation on Culture and the Arts Commission based on his knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Labor, Culture and the Arts that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 3607 Labor, Culture and the Arts on Gov. Msg. No. 669

Recommending that the Senate advise and consent to the nomination of the following:

HAWAI'I SISTER STATE COMMITTEE

G.M. No. 669 JEAN ROLLES, for a term to expire 06-30-2024

Your Committee has reviewed the personal history, resume, and statement submitted by Jean Rolles for service on the Hawai'i Sister State Committee.

Your Committee received testimony in support of the nomination for the appointment of Jean Rolles from the Department of Business, Economic Development, and Tourism.

Your Committee finds that Ms. Rolles' background and dedication to serving the public qualify her to be appointed to the Hawai'i Sister State Committee. Ms. Rolles is the former property manager for Outrigger Hotels Hawaii and managed five of its properties. She was later promoted to Vice President of Community Relations for the company, in which position she served until 2016. Ms. Rolles currently serves on the board of a number of prominent local organizations such as C. Brewer and Company, Ltd.; Hawaii Opera Theatre; Honolulu Museum of Art; Chaminade University; and Japan America Society of Honolulu. She devotes much of her time to serving the community, including the Advisory Council for the Shidler College of Business and the Kennedy Center-National Committee for the Performing Arts as well as serving as an Iolani Palace docent for forty years. Your Committee finds that Ms. Rolles has a thorough understanding of the role and responsibilities of board members and her extensive experience in tourism, culture, and the arts will continue to enhance the effectiveness of the Hawai'i Sister State Committee. Your Committee therefore recommends that Ms. Rolles be appointed to the Hawai'i Sister State Committee based on her knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3608 Labor, Culture and the Arts on Gov. Msg. No. 676

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF TRUSTEES OF THE EMPLOYEES' RETIREMENT SYSTEM

G.M. No. 676 WESLEY KAZUO MACHIDA, for a term to expire 01-01-2025

Your Committee has reviewed the personal history, resume, and statement submitted by Wesley Kazuo Machida for service on the Board of Trustees of the Employees' Retirement System.

Your Committee received testimony in support of the nomination for the appointment of Wesley Kazuo Machida from the Employees' Retirement System, Department of Agriculture, University of Hawai'i System, and five individuals.

Your Committee finds that Mr. Machida's experience, background, and commitment to public service qualify him for appointment to the Board of Trustees of the Employees' Retirement System. Your Committee notes that Mr. Machida has been a professional auditor since 1983 in both the public and private sectors. He joined the Office of the State Auditor in 1998 and is the former Executive Director of the Employees' Retirement System and the former Director of Finance. During the course of Mr. Machida's career, he has gained broad experience and knowledge in public finance and public pension fund management. Mr. Machida's experience as Executive Director of the Employees' Retirement System and Director of Finance in the Department of Budget and Finance has given him a thorough understanding of the roles and responsibilities of its members. Mr. Machida's experience and knowledge will continue to be assets to the Board of Trustees of the Employees' Retirement System. Your Committee therefore recommends that Mr. Machida be appointed to the Board of Trustees of the Employees' Retirement System based on his knowledge, experience, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3609 Labor, Culture and the Arts on Gov. Msg. Nos. 726 and 727

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN

G.M. No. 726 BLANCHE MATSUYAMA, for a term to expire 06-30-2023; and

G.M. No. 727 KALEIHI'IKAPOLI RAPOZA, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Blanche Matsuyama and Kaleihi'ikapoli Rapoza for service on the Board of Trustees of the Deferred Compensation Plan.

BLANCHE MATSUYAMA

Your Committee received testimony in support of the nomination for the appointment of Blanche Matsuyama from the Department of Human Resources Development; State of Hawai'i Deferred Compensation Plan; University of Hawai'i Systems; Mayor of the County of Kaua'i; Department of Finance, County of Kaua'i; Office of the County Clerk, Kaua'i County Council; and one individual.

Upon review of the testimony, your Committee finds that Ms. Matsuyama's background and dedication to serving the public qualify her to be appointed to the Board of Trustees of the Deferred Compensation Plan. Your Committee notes that Ms. Matsuyama has been an auditor since 2004 and possesses a wealth of knowledge in auditing and financial management. She is currently the Director of Finance for the County of Kauai. Previously, Ms. Matsuyama was the Director of Finance and Corporate Treasurer for Grove Farm Company, Inc. Your Committee finds that Ms. Matsuyama has a thorough understanding of the role and responsibilities of board members and her extensive experience in finance will enhance the effectiveness of the Board of Trustees of the Deferred Compensation Plan. Your Committee therefore recommends that Ms. Matsuyama be appointed to the Board of Trustees of the Deferred Compensation Plan based on her knowledge, background, and dedication to public service.

KALEIHI'IKAPOLI RAPOZA

Your Committee received testimony in support of the nomination for the reappointment of Kaleihi'ikapoli Rapoza from the Department of Human Resources Development, State of Hawai'i Deferred Compensation Plan, University of Hawai'i System, and four individuals.

Upon review of the testimony, your Committee finds that Mr. Rapoza's experience, knowledge, and proven leadership on the Board of Trustees of the Deferred Compensation Plan qualify him for reappointment to the Board. Your Committee notes that Mr. Rapoza has fourteen years of experience in labor relations and has been licensed as an attorney in Hawaii since 2008. Mr. Rapoza is currently the interim Vice Chancellor for Administrative Affairs for the University of Hawai'i at Hilo, and before that served as its Director of Human Resources. Your Committee further finds that Mr. Rapoza has served on the Board of Trustees of the Deferred Compensation Plan since 2007. Mr. Rapoza's experience and knowledge will continue to be assets to the Board of Trustees of the Deferred

Compensation Plan. Your Committee therefore recommends that Mr. Rapoza be reappointed to the Board of Trustees of the Deferred Compensation Plan based on his experience, knowledge, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Labor, Culture and the Arts that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 3610 Agriculture and Environment on Gov. Msg. Nos. 642, 643, 644, 645, 646, and 647

Recommending that the Senate advise and consent to the nominations of the following:

BOARD OF DIRECTORS OF THE AGRIBUSINESS DEVELOPMENT CORPORATION

- G.M. No. 642 FREDERICK LAU, for a term to expire 06-30-2020;
- G.M. No. 643 FREDERICK LAU, for a term to expire 06-30-2024;
- G.M. No. 644 KAREN SEDDON, for a term to expire 06-30-2023;
- G.M. No. 645 KEVIN HOPKINS, for a term to expire 06-30-2022;
- G.M. No. 646 LLOYD HARAGUCHI, for a term to expire 06-30-2023; and
- G.M. No. 647 WARREN WATANABE, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Frederick Lau, Karen Seddon, Kevin Hopkins, Lloyd Haraguchi, and Warren Watanabe for service on the Board of Directors of the Agribusiness Development Corporation.

FREDERICK LAU

Your Committee received testimony in support of the nomination for the appointment and reappointment of Frederick Lau from the Agribusiness Development Corporation; Hawai'i Farm Bureau; Ponoholo Ranch Limited; Hawaii Cattlemen's Council; Kauai County Farm Bureau; Larry Jefts Farms, LLC; a Hawaii County Councilmember; and twenty-four individuals.

Upon review of the testimony, your Committee finds that Mr. Lau's professional experience, background, and desire to serve his community qualify him for consideration for appointment and reappointment to the Board of Directors of the Agribusiness Development Corporation as a member representing the City and County of Honolulu. Your Committee notes that Mr. Lau has been a small business owner of local nurseries and landscape companies for over thirty years. Your Committee further notes that Mr. Lau's experience will provide a diverse and unique perspective to the Agribusiness Development Corporation. Your Committee therefore recommends that Mr. Lau be appointed and reappointed to the Board of Directors of the Agribusiness Development Corporation based on his experience, knowledge, and desire to contribute to the community.

KAREN SEDDON

Your Committee received testimony in support of the nomination for the appointment of Karen Seddon from the Agribusiness Development Corporation and three individuals.

Upon review of the testimony, your Committee finds that Ms. Seddon's background, knowledge, and dedication to public service qualify her to be nominated for appointment to the Board of Directors of the Agribusiness Development Corporation as an at-large member. Your Committee notes that Ms. Seddon has been Regional Vice President of The Michaels Organization, a company that provides development, management, construction, and finance services, since 2016. Ms. Seddon is also actively engaged in her community, having served on a number of professional housing and development organizations, including the Urban Land Institute. Your Committee further notes that Ms. Seddon's experience will provide a diverse and unique perspective to the Agribusiness Development Corporation. Your Committee therefore recommends that Ms. Seddon be appointed to the Board of Directors of the Agribusiness Development Corporation based on her knowledge and demonstrated commitment to public service.

KEVIN HOPKINS

Your Committee received testimony in support of the nomination for the appointment of Kevin Hopkins from the Agribusiness Development Corporation; Hawai'i Farm Bureau; Hawaii Cattlemen's Council; Kauai County Farm Bureau; Larry Jefts Farms, LLC; a Hawaii County Councilmember; and twenty-two individuals.

Upon review of the testimony, your Committee finds that Dr. Hopkins' background, knowledge and desire to serve his community qualify him to be nominated for appointment to the Board of Directors of the Agribusiness Development Corporation as a member representing Hawai'i County. Your Committee notes that Dr. Hopkins has a doctorate degree in Fisheries and Allied Aquacultures from Auburn University and previously served as the director at both the Pacific Aquaculture and Coastal Resources Center at the University of Hawaii at Hilo and the Consortium for International Fisheries and Aquaculture Development based at Oregon State University. Dr. Hopkins is currently employed as a Professor of Aquaculture at the University of Hawaii at Hilo since 1997 and has provided consulting services in aquaculture and agriculture, specifically the production of sturgeon and kava, since 1998. Your Committee further finds that Dr. Hopkins has served on the board as an interim member since February 2020. Dr. Hopkins's experience will continue to provide a diverse and unique perspective to the Agribusiness Development Corporation. Your Committee therefore recommends that Dr. Hopkins be appointed to the Board of Directors of the Agribusiness Development Corporation based on his knowledge and desire to contribute to the community.

LLOYD HARAGUCHI

Your Committee received testimony in support of the nomination for the reappointment of Lloyd Haraguchi from the Agribusiness Development Corporation; Ponoholo Ranch Limited; Hawai'i Farm Bureau; Hawaii Cattlemen's Council; Larry Jefts Farms, LLC; Kauai County Farm Bureau; and twenty-one individuals.

Upon review of the testimony, your Committee finds that Mr. Haraguchi's experience with property and land management qualify him for reappointment to the Board of Directors of the Agribusiness Development Corporation as an at-large member. Mr. Haraguchi is the former Executive Director of the Public Land Development Corporation. He previously worked for James Campbell Company, LLC, managing Hawaii Land Management assets consisting of agricultural land, water systems, telecom sites, and other zoned property; Fort Street Investment Corporation, managing commercial retail and office properties on Oahu; the Estate of James Campbell, managing, planning, and negotiating the permitting for land development projects in Kapolei and Kahuku; and the Hawaii Housing Finance and Development Corporation, planning and overseeing the development of affordable housing projects on Oahu and Hawaii. Your Committee further finds that Mr. Haraguchi has served on the Board of Directors of the Agribusiness Development Corporation since 2015. Mr. Haraguchi's leadership, experience, and knowledge will continue to be assets to the Board. Your Committee therefore recommends that Mr. Haraguchi be reappointed to the Board of Directors of the Agribusiness Development Corporation based on his knowledge and dedication to public service.

WARREN WATANABE

Your Committee received testimony in support of the nomination for the appointment of Warren Watanabe from the Agribusiness Development Corporation; Hawaii Cattlemen's Council; Ulupalakua Ranch; Hawai'i Farm Bureau; Matson, Inc.; Ponoholo Ranch Limited; Kauai County Farm Bureau; Larry Jefts Farms, LLC; a Hawaii County Councilmember; and thirty-four individuals.

Upon review of the testimony, your Committee finds that Mr. Watanabe's experience, background, and commitment to public service qualify him to be appointed to the Board of Directors of the Agribusiness Development Corporation as an at-large member. Your Committee notes that Mr. Watanabe has been the Executive Director of the Maui County Farm Bureau since 2012. Mr. Watanabe also has served as a member of a number of professional associations and advisory committees and has a thorough understanding of the roles and responsibilities of board members. Your Committee further finds that Mr. Watanabe has served on the board as an interim member since June 2019. Mr. Watanabe's experience will continue to provide a diverse and unique perspective to the Agribusiness Development Corporation. Your Committee therefore recommends that Mr. Watanabe be appointed to the Board of Directors of the Agribusiness Development Corporation based on his experience, knowledge, and commitment to serving his community.

As affirmed by the records of votes of the members of your Committee on Agriculture and Environment that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3611 Agriculture and Environment on Gov. Msg. Nos. 769 and 770

Recommending that the Senate advise and consent to the nominations of the following:

ENDANGERED SPECIES RECOVERY COMMITTEE

G.M. No. 769 KAWIKA WINTER, for a term to expire 06-30-2023; and

G.M. No. 770 LOYAL ARCHIE MEHRHOFF, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Kawika Winter and Loyal Archie Mehrhoff for service as members of the Endangered Species Recovery Committee.

KAWIKA WINTERS

Your Committee received testimony in support of the nomination for the reappointment of Kawika Winter from the Department of Land and Natural Resources, Office of Hawaiian Affairs, University of Hawai'i System, and three individuals.

Upon review of the testimony, your Committee finds that Dr. Winter's background, knowledge, and experience in Hawaiian ethnobotany qualify him for reappointment to the Endangered Species Recovery Committee as a representative with a background in native Hawaiian traditional and customary practices. Dr. Winter is currently employed as the Reserve Manager of the He'eia National Estuarine Research Reserve within the Office for Coastal Management under the National Atmospheric and Oceanic Association, where he facilitates collaborative research into restoration efforts using indigenous resource management principles. Dr. Winter has earned a doctorate degree and master's degree in botany from the University of Hawaii. Dr. Winter also serves on the Hawai'i Conservation Alliance Steering Committee and the Cesspool Working Group for Department of Health as a representative for the Hawai'i Institute of Marine Biology. He additionally works as a Cooperating Graduate Faculty at the University of Hawaii at Manoa. Your Committee further finds that Dr. Winter has served on the Endangered Species Recovery Committee since 2018. Dr. Winter's experience and knowledge will continue to be assets to the Endangered Species Recovery Committee. Your Committee therefore recommends that Dr. Winter be reappointed to the Endangered Species Recovery Committee based on his experience, knowledge, and demonstrated commitment to public service.

LOYAL ARCHIE MEHRHOFF

Your Committee received testimony in support of the nomination for the reappointment of Loyal Archie Mehrhoff from the Department of Land and Natural Resources and He'eia National Estuarine Research Reserve.

Upon review of the testimony, your Committee finds that Dr. Mehrhoff's experience and background in endangered species listing, botany, recovery, and consultation qualify him to be nominated for reappointment to the Endangered Species Recovery Committee as a

field biologist with expertise in conservation biology. Your Committee notes that Dr. Mehrhoff was the former Endangered Species Recovery Coordinator at the Center for Biological Diversity and the former Director of the U.S. Geological Survey's Pacific Island Ecosystems Research Center. He has also served as the Field Supervisor of the U.S. Fish and Wildlife Service's Pacific Islands Fish and Wildlife Office and has experience in field studies on Hawaiian endangered species as a Research Botanist with the Bishop Museum. Your Committee further finds that Dr. Mehrhoff has served on the Endangered Species Recovery Committee since 2017. Dr. Mehrhoff's experience and knowledge will continue to be assets to the Endangered Species Recovery Committee. Your Committee therefore recommends that Dr. Mehrhoff be reappointed to the Endangered Species Recovery Committee based on his knowledge and demonstrated commitment to public service.

As affirmed by the records of votes of the members of your Committee on Agriculture and Environment that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3612 Education on S.R. No. 94

The purpose and intent of this measure is to request the Department of Education to establish a free application for federal student aid working group to develop and implement a plan to make completion of a free application for federal student aid a statewide graduation requirement beginning in the 2022-2023 academic year.

Your Committee received testimony in support of this measure from the Chamber of Commerce Hawaii, HawaiiKidsCAN, and six individuals.

Your Committee finds that due to the extraordinary circumstances of the COVID-19 pandemic and the limited timeframe being faced by the Legislature to act in response, measures are necessary to provide the Senate with the ability to gather relevant information from the Governor and the executive agencies. These measures further urge that actions be taken in response to the COVID-19 pandemic.

Accordingly, your Committee has amended this measure by replacing its contents with language that urges restaurants throughout the State to adopt the recommended best practices and safety guidelines developed by the United States Food and Drug Administration and National Restaurant Association in response to the COVID-19 pandemic.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 94, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 94, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 3613 Education on S.R. No. 174

The purpose and intent of this measure is to urge the Department of Education to conduct a study on augmenting, increasing, and expanding after school programs.

Your Committee did not receive any testimony with regard to this measure.

Your Committee finds that due to the extraordinary circumstances of the COVID-19 pandemic and the limited timeframe being faced by the Legislature to act in response, measures are necessary to provide the Senate with the ability to gather relevant information from the Governor and the executive agencies. These measures further urge that actions be taken in response to the COVID-19 pandemic.

Accordingly, your Committee has amended this measure by replacing its contents with language that requests the Governor to establish advance travel quarantine and statewide stay-at-home orders to ensure rapid and effective response to any resurgence of the coronavirus disease 2019 in Hawaii.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 174, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 174, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 3614 Education on S.R. No. 151

The purpose and intent of this measure is to request the Hawaii Department of Education to create a working group to discuss and implement institutional changes in suspension policy at the school-level.

Your Committee did not receive any testimony regarding this measure.

Your Committee finds that due to the extraordinary circumstances of the COVID-19 pandemic and the limited timeframe being faced by the Legislature to act in response, measures are necessary to provide the Senate with the ability to gather relevant information from the Governor and the executive agencies. These measures further urge that actions be taken in response to the COVID-19 pandemic.

Accordingly, your Committee has amended this measure by replacing its contents with language that requests the Department of Transportation, in collaboration with the Hawaii Tourism Authority, to develop a travel restriction notification procedure for adoption by any passenger airline operating in the State.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 151, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 151, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 3615 Education on S.R. No. 150

The purpose and intent of this measure is to request the Department of Education to submit a report to the Legislature on the status of achieving Act 51, Session Laws of Hawaii 2018, mandates for computer science education.

Your Committee received testimony in support of this measure from HawaiiKidsCAN and six individuals.

Your Committee finds that due to the extraordinary circumstances of the COVID-19 pandemic and the limited timeframe being faced by the Legislature to act in response, measures are necessary to provide the Senate with the ability to gather relevant information from the Governor and the executive agencies. These measures further urge that actions be taken in response to the COVID-19 pandemic.

Accordingly, your Committee has amended this measure by replacing its contents with language that requests the Department of Transportation to formalize and make mandatory the submission of the order for self-quarantine, safe travels application, and interisland declaration forms.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 150, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 150, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 3616 Education on S.R. No. 144

The purpose and intent of this measure is to urge the Department of Education to provide a school resource officer or registered guard at each elementary school and state prekindergarten program.

Your Committee received testimony in opposition to this measure from the Hawaii Youth Services Network and a private individual.

Your Committee finds that due to the extraordinary circumstances of the COVID-19 pandemic and the limited timeframe being faced by the Legislature to act in response, measures are necessary to provide the Senate with the ability to gather relevant information from the Governor and the executive agencies. These measures further urge that actions be taken in response to the COVID-19 pandemic.

Accordingly, your Committee has amended this measure by replacing its contents with language that requests the Department of Education to develop a strategy to implement a reopening plan for the upcoming school year based on guidelines established by the Centers for Disease Control and Prevention. Your Committee requests the plan be submitted to the Legislature no later than June 1, 2020.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 144, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 144, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 3617 Education on S.R. No. 84

The purpose and intent of this measure is to urge the Department of Education to assign students residing in Honokai Hale and Ko Olina to attend the public school complex within their geographic area, the Nanakuli complex.

Your Committee did not receive any testimony regarding this measure.

Your Committee finds that due to the extraordinary circumstances of the COVID-19 pandemic and the limited timeframe being faced by the Legislature to act in response, measures are necessary to provide the Senate with the ability to gather relevant information from the Governor and the executive agencies. These measures further urge that actions be taken in response to the COVID-19 pandemic.

Accordingly, your Committee has amended this measure by replacing its contents with language that convenes a restaurant opening task force to assist in the safe reopening of restaurants throughout the State that were closed due to the COVID-19 pandemic.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 84, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 84, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 3618 Education on S.R. No. 27

The purpose and intent of this measure is to request that the Hawaii State Public Library System convene a task force to identify and recommend standards for the development of an all-electronic process for maintaining government publications created by state agencies.

Your Committee received comments on the measure from the Hawaii State Public Library System.

Your Committee finds that due to the extraordinary circumstances of the COVID-19 pandemic and the limited timeframe being faced by the Legislature to act in response, measures are necessary to provide the Senate with the ability to gather relevant information from the Governor and the executive agencies. These measures further urge that actions be taken in response to the COVID-19 pandemic.

Accordingly, your Committee has amended this measure by replacing its contents with language that requests the Hawaii Emergency Management Agency to provide to the Senate a formal plan and monthly accounting for federal funds allocated to the agency to address the Coronavirus pandemic. The measure requests the first report to be provided to the Senate no later than June 1, 2020.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 27, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 27, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 3619 Transportation on S.C.R. No. 68

The purpose and intent of this measure is to request that the City and County of Honolulu prohibit the operation of electric scooters, electric bicycles, and electric trikes on sidewalks.

Your Committee received testimony in support of this measure from the Department of Transportation; Hawaii Bicycling League; Skip, Inc.; and fifteen individuals. Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from the Department of Transportation Services and one individual.

Your Committee finds that electric scooters, electric bicycles, and three-wheeled electric trikes have become widely available for personal transportation and very popular with commercial tour operators and are often ridden on Oahu's sidewalks where they mix with pedestrians and motorists. Your Committee further finds that these devices can seriously injure or kill pedestrians in a collision and operators of these devices are at risk from motorists who do not expect a small, quiet, and fast-moving motorized device to appear in pedestrian rights-of-way. Additionally, your Committee finds that within the past several years, pedestrians and motorists have expressed safety concerns to policymakers about the increasing number of individuals and tour operators riding electric scooters, electric bicycles, and electric trikes on sidewalks and bike paths. This measure is necessary because it requests that the City and County of Honolulu, Honolulu Police Department, Honolulu Department of Transportation Services, and state Department of Transportation work with the Honolulu City Council to prohibit the operation of electric scooters, electric bicycles, and electric trikes on sidewalks through county-level ordinances. Your Committee finds that another measure currently being considered by the Legislature specifically excludes electric scooters, electric bicycles, and electric trikes from the definition of "mopeds."

Accordingly, your Committee has amended this measure by removing the provision requesting that electric scooters, electric bicycles, and electric trikes be classified as mopeds or motorized devices.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 68, as amended herein, and recommends that it be referred to your Committee on Judiciary, in the form attached hereto as S.C.R. No. 68, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3620 Transportation on S.R. No. 35

The purpose and intent of this measure is to request that the City and County of Honolulu prohibit the operation of electric scooters, electric bicycles, and electric trikes on sidewalks.

Your Committee received testimony in support of this measure from seven individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that electric scooters, electric bicycles, and three-wheeled electric trikes have become widely available for personal transportation and very popular with commercial tour operators and are often ridden on Oahu's sidewalks where they mix with pedestrians and motorists. Your Committee further finds that these devices can seriously injure or kill pedestrians in a collision and operators of these devices are at risk from motorists who do not expect a small, quiet, and fast-moving motorized device to appear in pedestrian rights-of-way. Additionally, your Committee finds that within the past several years, pedestrians and motorists have expressed safety concerns to policymakers about the increasing number of individuals and tour operators riding electric scooters, electric bicycles, and electric trikes on sidewalks and bike paths. This measure is necessary because it requests that the City and County of Honolulu, Honolulu Police Department, Honolulu Department of Transportation Services, and state Department of Transportation work with the Honolulu City Council to prohibit the operation of electric scooters, electric bicycles, and electric trikes on sidewalks through county-level ordinances. Your Committee finds that another measure currently being considered by the Legislature specifically excludes electric scooters, electric bicycles, and electric trikes from the definition of "mopeds."

Accordingly, your Committee has amended this measure by removing the provision requesting that electric scooters, electric bicycles, and electric trikes be classified as mopeds or motorized devices.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 35, as amended herein, and recommends that it be referred to your Committee on Judiciary, in the form attached hereto as S.R. No. 35, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3621 (Majority) Public Safety, Intergovernmental, and Military Affairs on H.B. No. 1902

The purpose and intent of this measure is to:

- (1) Extend the prohibition of large capacity magazines to all firearms, rather than just pistols;
- (2) Provide an exception to the prohibition for law enforcement agencies and duly authorized officers;
- (3) Prohibit certain individuals who were diagnosed with behavioral, emotional, or mental disorders from owning firearms; and
- (4) Require records of these diagnoses or adjudications to be made available to law enforcement officials.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Motion Picture Association – America, Hawaii Coalition to Prevent Gun Violence, Church of the Crossroads, and twenty-seven individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, National Rifle Association of America, Hawaii Firearms Coalition, Hawaii Family Physicians, Pu'uloa Rifle and Pistol Club, and numerous individuals. Your Committee received comments on this measure from the Judiciary and Office of the Mayor of the County of Hawai'i.

Your Committee finds that Hawaii has one of the strongest gun safety laws in the nation, having received an A-minus rating from the Giffords Law Center to Prevent Gun Violence. The State is regularly recognized as having one of the lowest number of gun related crimes in the nation. However, gun related crimes are on the rise in the State. Your Committee believes that more needs to be done to strengthen gun safety laws and ensure the protection of residents and visitors by prohibiting the use of large-capacity magazines for all firearms. Your Committee further finds that large-capacity magazines have been used in ten of the deadliest mass shooting incidents that occurred in the country within the past decade. This measure strengthens the State's gun safety laws by prohibiting the acquisition and use of large-capacity magazines for firearms that can hold more than ten rounds of ammunition and by prohibiting certain at-risk individuals who were diagnosed with behavioral, emotional, or mental disorders from owning a firearm.

Your Committee has amended this measure by:

- (1) Exempting blank-firing assault weapons and the weapon's respective attachments for the purpose of rental for use solely as props for a motion picture, television, or digital video production or entertainment event from the prohibition of manufacturing, transporting, possessing, selling, or renting an assault weapon and large-capacity magazines in the State; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1902, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1902, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 2. Noes, 1 (Fevella). Excused, 2 (Harimoto, Nishihara).

SCRep. 3622 Human Services on H.B. No. 2526

The purpose and intent of this measure is to appropriate funds for the operating budget of the Department of Human Services for fiscal year 2020-2021.

Your Committee received testimony in support of this measure from the Department of Human Services, Governor's Coordinator on Homelessness, Hawaii Kai Homeless Task Force, Partners in Care, and Catholic Charities Hawai'i.

Your Committee finds that this measure identifies additional items that were not included in the executive budget, H.B. No. 2200, H.D. 1, (Regular Session of 2020), and requests that this measure remain a vehicle for Department of Human Services' operating budget items, should they be deleted.

Your Committee notes that the Hawai'i Interagency Council on Homelessness (HICH) was tasked with implementing the State's first ten-year plan to end homelessness. HICH, in its report to the Legislature, provided an overview of available data related to homelessness, identified promising strategies to address homelessness, and made recommendations to sustain effective efforts, such as:

- (1) Enhanced community capacity to review data related to homelessness and the effectiveness of homeless programs in real time;
- (2) Continued efforts to strengthen the capacity of homeless service providers and government agencies tasked with overseeing homeless efforts; and
- (3) Allowed time for promising programs to demonstrate results.

Additionally, your Committee finds that appropriations described in this measure are critical to building necessary community capacities to sustain a housing-focused approach to further reduce homelessness statewide.

Your Committee has heard the testimony of the Governor's Coordinator on Homelessness expressing concerns that language in the measure, as drafted, requires the appropriation to pay for transportation services and may limit the State's ability to respond to unauthorized encampments on State lands.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language suggested by the Governor's Coordinator on Homelessness to further clarify the intent of this measure; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that although the appropriation amounts are blank, the Department of Human Services' testimony requests, for consideration by your Committee on Ways and Means, the following amounts to be included to support program continuity:

- (1) (HMS224), \$70,552, to raise the federal fund ceiling in order to increase the ability to draw down available federal match funds;
- (2) (HMS301), \$58,878, to establish an Assistant Section Administrator and a Social Service Assistant V position to support the East Hawaii child welfare services pilot project;
- (3) (HMS903), \$570,000, to increase the federal ceiling for homeless shelter after-care services;
- (4) (HMS903), \$1,330,000, to provide general support for self-sufficiency services to increase the federal ceiling for homeless shelter after-care services; and
- (5) (HMS224), \$350,000, for the state homeless database and maintenance.

Your Committee further notes that the effective date is December 31, 2059, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2526, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2526, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the President on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3623 Human Services on H.B. No. 2101

The purpose and intent of this measure is to require circuit courts to apply special sentencing considerations when sentencing a minor for a nonviolent offense and to impose a sentence up to fifty percent shorter than the mandatory minimum, or to decline to impose a mandatory enhanced sentence in certain circumstances, at their discretion.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Human Rights for Kids, Community Alliance on Prisons, and one individual. Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and the Honolulu Police Department.

Your Committee finds that mandatory minimum sentencing for juveniles fails to recognize the extenuating circumstances that often lead youth to commit offenses and may, therefore, significantly limit their potential for rehabilitation and reform. Further, your Committee finds that young offenders have diminished executive decision-making capacity and by not taking their unique circumstances into account, mandatory minimum sentencing may exacerbate the risk recidivism.

Your Committee also finds that by allowing circuit court judges greater discretion in sentencing youth, they can take into consideration the mitigating circumstances surrounding a charged offense and issue sentencing that takes into account a minor's potential for rehabilitation.

Your Committee has heard the concerns of the Office of Hawaiian Affairs that, should an existing rehabilitation or diversion program not have the capacity to accommodate the minor, they would be denied the advantage of reduced sentencing. Your Committee has also heard the testimony of the Department of the Prosecuting Attorney of the City and County of Honolulu that indicates it would be inappropriate to establish disparate sentencing provisions, as multiple safeguards are currently in place. Your Committee finds that these issues raise concerns that merit further consideration and respectfully requests that your Committee on Judiciary further examine these issues and concerns.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2101, H.D. 2, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the President on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3624 Labor, Culture and the Arts on H.B. No. 1799

The purpose and intent of this measure is to prohibit a specialty contractor from performing work that is incidental and supplemental to new work in which the contractor is engaged if the work involves structural steel contracting and the contractor does not have the required C-48 license.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Department of Design and Construction of the City and County of Honolulu, Contractors License Board, and Pacific Resource Partnership.

Your Committee finds that existing law allows specialty contractors to perform work in trades or crafts for which they do not have a license as long as the work is incidental and supplemental to the work for which they do have a license.

Your Committee notes that H.B. No. 1799 (Regular Session of 2020), as originally introduced, attempted to address licensing exceptions for incidental and supplemental work performed by specialty contractors, regardless of what the percentage of structural steel work is when compared to the project in its entirety.

Your Committee notes that S.B. No. 2483 (Regular Session of 2020), which was previously introduced in the Senate, is a similar measure that excepts incidental and supplemental work which is substantially less than the work of the licensed contractor. Your Committee concludes that the language in S.B. No. 2483, is preferable because it clarifies that a specialty contractor may perform work in crafts or trades other than one in which the specialty contractor is licensed provided that, when measured by the time and expense in executing the contract, the work is substantially less than and only incidental and supplemental to the performance of work in the craft for which the specialty contractor is licensed.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 2483, a similar measure; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee kept the effective date of January 1, 2050, to encourage further discussion by your Committee on Commerce, Consumer Protection, and Health.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1799, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1799, H.D. 1, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3625 Housing on H.B. No. 1929

The purpose and intent of this measure is to make necessary amendments to Act 150, Session Laws of Hawaii 2018, and Act 98, Session Laws of Hawaii, 2019, to enable the preservation of Front Street Apartments as affordable rental housing and the development of Keawe Street Apartments, in Lahaina, Maui.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, Maui Chamber of Commerce, and one individual. Your Committee received comments on this measure from Settle Meyer Law, LLC.

Your Committee finds that due to pending federal litigation filed by tenants of Front Street Apartments, the Hawaii Housing Finance and Development Corporation is not able to obtain an accurate appraisal of the fair market value of the ground lease to the property. Without an accurate appraisal, the Hawaii Housing Finance and Development Corporation could not proceed with renegotiation of a ground lease or condemnation of the ground lease by the deadline of December 31, 2019. Your Committee further finds that in February of 2020, the Keawe Street Apartments affordable housing project satisfied the conditions necessary to obtain all county entitlements by the April 30, 2020, deadline set in Act 98, Session Laws of Hawaii 2019. Thus, Section 3 of this measure, which gives the Keawe Street project an extra two months to accomplish this is no longer needed.

Accordingly, your Committee has amended this measure by:

- (1) Extending the deadline required by Act 150, Session Laws of Hawaii 2018 as amended by Act 98, Session Laws of Hawaii 2019, from December 31, 2019 to December 31, 2021;
- (2) Deleting Section 3 of the measure; and
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1929, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1929, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3626 Housing on H.B. No. 2448

The purpose and intent of this measure is to clarify that the exemption from the general excise tax established by section 201H-36, Hawaii Revised Statutes, shall be provided once the qualifying person or firm has filed or recorded a regulatory agreement in land court or the bureau of conveyances, or both, whichever is appropriate.

Your Committee received testimony in support of this measure from the Kobayashi Group, LLP and one individual. Your Committee received comments on this measure from the Department of Taxation; Hawaii Housing Finance and Development Corporation; Tax Foundation of Hawaii; and The Michaels Organization, LLC.

Your Committee finds that section 201H-36, Hawaii Revised Statutes, establishes an exemption from the state general excise tax for qualifying housing projects. However, your Committee notes that some developers are unsure at what point in the development process this exemption begins. This measure clarifies that the exemption from the general excise tax established by section 201H-36, Hawaii Revised Statutes, shall be provided once the qualifying person or firm has filed or recorded a regulatory agreement in land court or the bureau of conveyances, or both, whichever is appropriate.

Accordingly, your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2448, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2448, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3627 Housing on H.B. No. 2449

The purpose and intent of this measure is to authorize cash payments made in lieu of reserved housing requirements imposed by the Hawaii Community Development Authority to be deposited into the Rental Housing Revolving Fund.

Your Committee received testimony in support of this measure from the Michaels Organization; Kobayashi Group, LLC; and two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Community Development Authority. Your Committee received comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that Hawaii is experiencing a severe affordable housing crisis with a lack of affordable rental and sale units. This measure will incentivize developers to construct affordable housing within the State, which will help address the affordable housing crisis.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2449, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2449, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4; Ayes with Reservations (Thielen). Noes, none. Excused, 1 (Fevella).

SCRep. 3628 Housing on H.B. No. 2527

The purpose and intent of this measure is to amend the State Low-Income Housing Tax Credit to increase the amount of equity generated by the sale of the Low-Income Housing Tax Credit for affordable rental housing developments.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation; Faith Action; Hunt Companies, Inc.; and Hawai'i Appleseed Center for Law & Economic Justice. Your Committee received comments on this measure from the Department of Taxation and Tax Foundation of Hawaii.

Your Committee finds that under existing law, the relatively small pool of investors lowers the demand for the State Low-Income Housing Tax Credits, and, in turn limits the equity that can be generated for affordable rental housing projects through the sale of the State Low-Income Housing Tax Credits. By making the at-risk and passive activity loss limitation rules inapplicable to State Low-Income Housing Tax Credits investors, this measure would expand the pool of Hawaii taxpayers that can invest in State Low-Income Housing Tax Credits and increase its pricing, thereby generating more equity toward affordable rental housing projects. Your Committee further finds that provisions in the original version of this measure that were intended to prevent abuse and unintended revenue losses for the State were deleted in this House Draft. Your Committee further finds that buildings placed in service this year could still sell State Low-Income Housing Tax Credits because the credit is taken over a five year period. Finally, your Committee notes that the Low-Income Housing Tax Credits should not expire on December 31, 2021, as contemplated by Act 129, Session Laws, 2016.

Accordingly, your Committee has amended this measure by:

- (1) Inserting a provision that removes the credit for investments in a building if that building ceases to be a qualified low-income building;
- (2) Making the new rules applicable to buildings placed in service after December 31, 2019;
- (3) Extending the Low-Income Housing Tax Credits for six years;
- (4) Making it effective upon its approval; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2527, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2527, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3629 Housing on H.B. No. 2183

The purpose and intent of this measure is to provide housing assistance by increasing the Hula Mae multifamily revenue bond authorization from \$1,500,000,000 to \$3,000,000,000.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation and Hawaii Association of Realtors.

Your Committee finds that the affordable housing crisis continues to be one of the State's most significant and challenging social problems and is a critical issue for many Hawaii residents. As the cost of housing increases, the State must continue to assist residents in obtaining affordable rental housing.

Your Committee has amended this measure by:

- (1) Increasing the amount of revenue bonds the Hawaii Housing Finance and Development Corporation is authorized to issue from \$1,500,000,000 to \$3,000,000,000; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2183, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2183, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3630 Housing on H.B. No. 2411

The purpose and intent of this measure is to assist low-income families in avoiding eviction and subsequent homelessness by appropriating funds to the Hawaii Public Housing Authority for rent subsidy payments and to provide additional staff for the state rent supplement program.

Your Committee received testimony in support of this measure from the Governor's Coordinator on Homelessness, Hawaii Public housing Authority, Catholic Charities Hawai'i, Partners in Care, Hawai'i Health & Harm Reduction Center, Hawaii Kai Homeless Task Force, and one individual.

Your Committee notes that the rent supplement program currently faces a deficit and that \$750,000 is needed just to continue the current program.

Your Committee has amended this measure by:

- (1) Inserting an appropriation amount of \$5,000,000; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2411, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2411, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3631 Housing on H.B. No. 2066

The purpose and intent of this measure is to create a Downpayment Guarantee Program, which allows the Hawaii Housing Finance and Development Corporation to serve as a guarantor for downpayment loans to first-time homebuyers who:

- (1) Qualify for a mortgage;
- (2) Can provide at least five percent of the sales price as a downpayment; and
- (3) Have completed a financial education program approved by the Hawaii Housing Finance and Development Corporation.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and Hawaii Housing Finance and Development Corporation.

Your Committee finds that the measure currently identifies the Dwelling Unit Revolving Fund as a source of funding for this program, but it is not an allowable use of the fund. Your Committee further finds that the Hawaii Housing Finance and Development Corporation will also require an additional 2.0 full-time equivalent positions and funding to administer the program. Your Committee notes the concerns of the Department of Commerce and Consumer Affairs that the program may pose a safety and soundness risk, as banks may take on more risk if they believe the State will back up the second mortgage instead of underwriting with the second mortgage as a possible default.

Accordingly, your Committee has amended this measure by:

- (1) Amending the Dwelling Unit Revolving Fund to authorize the use of the fund for the Downpayment Guarantee Program;
- (2) Creating the Loan Loss Reserve Fund Subaccount to administer the Downpayment Guarantee Program;
- (3) Adding two full time equivalent positions within the Hawaii Housing Finance and Development Corporation to administer the Downpayment Guarantee Program; and
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion;

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2066, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2066, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3632 Housing on H.B. No. 2447

The purpose and intent of this measure is to expedite the development of affordable rental units by temporarily exempting certain affordable housing projects of the Hawaii Housing Finance and Development Corporation from specific state fees relating to discretionary approval or ministerial permitting, except application fees that are payable to the Hawaii Housing Finance and Development Corporation.

Your Committee received testimony in support of this measure from the Maui Chamber of Commerce; The Michaels Organization, LLC; and two individuals. Your Committee received testimony in opposition to this measure from the Building Industry Association of Hawaii. Your Committee received comments on this measure from the Hawaii Housing Finance and Development Corporation and Chamber of Commerce Hawaii.

Your Committee finds that there are other fees and costs charged by the Hawaii Housing Finance and Development Corporation for project-related administrative costs relating to financing programs such as the Rental Housing Revolving Fund and the Dwelling Unit Revolving Fund that should also be exempted from this waiver of state fees. Your Committee further finds that affordable housing projects developed under chapter 201H, Hawaii Revised Statutes, should also be exempted from county permits and exactions. Your Committee notes that measures such as this will help to incentivize affordable housing projects for households with incomes at or below one hundred forty percent of the area median family income.

Accordingly, your Committee has amended this measure by:

- (1) Exempting project-related administrative costs from the waiver of state fees;
- (2) Exempting affordable housing projects county fees and exactions; and
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2447, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2447, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3633 Housing on H.B. No. 2687

The purpose and intent of this measure is make affordable homeownership more achievable in Hawaii by creating a new Downpayment Loan Loss Reserve Program in the Hawaii Housing Finance and Development Corporation, which would leverage state funds in a public-private partnership to obtain downpayment loan capital from financial institutions.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation

Your Committee finds that homeownership creates strong communities through economic growth; helps families build equity and enjoy stability; and creates a greater sense of security, continuity, belonging, and pride in communities. However, the 2019 Hawaii Housing Planning Study, prepared for the Hawaii Housing Finance and Development Corporation, found that twenty-seven percent of those interested in buying a single-family home could not afford the downpayment. This measure facilitates the provision of downpayment loan assistance to first-time homebuyers by establishing a downpayment loan loss reserve program to address downpayment loan defaults.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2687, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2687, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3634 Housing on H.B. No. 2470

The purpose of this measure is to address the need for affordable rental housing by:

- (1) Directing the Hawaii Public Housing Authority (HPHA) to convey a specified 15.418-acre parcel in Honokaa located in the County of Hawaii (Parcel) to the Hawaii Housing Finance and Development Corporation (HHFDC);
- (2) Requiring HHFDC to conduct a feasibility study to determine whether the parcel is suitable for an affordable rental housing project; and
- (3) Appropriating \$750,000 for the feasibility study.

Your Committee received testimony in support of this measure from the Hawaii Housing Finance and Development Corporation, Office of Housing and Community Development, and County of Hawaii Mayor's Office.

Your Committee finds that there is a dire need for affordable rental housing in the County of Hawaii. Your Committee further finds that a 15.418-acre parcel in Honokaa, identified as TMK No. (3) 4-5-010:122, may be suitable to address the county's need for affordable rental housing. If the parcel is suitable for an affordable rental housing project, it should be transferred, together with any improvements thereon, to the Hawaii Housing Finance and Development Corporation. This measure would transfer this property to

the Hawaii Housing Finance and Development Corporation and require them to perform a feasibility study of whether the property is suitable to build affordable housing.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2470, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2470, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3635 Housing on H.B. No. 2547

The purpose of this measure is to consolidate administration of affordable housing programs by:

- (1) Authorizing the Hawaii Housing Finance and Development Corporation to administer any new reserved housing and workforce housing units in community development districts; and
- (2) Authorizing the Hawaii Housing Finance and Development Corporation to adopt rules to allow owners of units transferred to the Hawaii Housing Finance and Development Corporation to obtain home equity lines of credit, refinance their units, or pay their shared equity.

Your Committee received testimony in support of this measure from the Hawaii Community Development Authority. Your Committee received comments on this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that navigating the systems of both the Hawaii Housing Finance and Development Corporation and the Hawaii Community Development Authority can be confusing to the general public. Your Committee further finds that residents living in reserved or workforce housing units built by the Hawaii Community Development Authority may wish to obtain home equity lines of credit, refinance their units, or pay their shared equity. This measure will allow the Hawaii Housing Finance and Development Corporation to have reserved housing units transferred to it so that residents may obtain equity lines of credit, refinance their units, or pay shared equity.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2547, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2547, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3636 (Joint) Labor, Culture and the Arts and Education on H.B. No. 1959

The purpose and intent of this measure is to require a studio teacher to accompany, supervise, and advocate on behalf of a minor whenever a minor, who is employed for theatrical purposes, is on set and a variance from the work hour restrictions on allowable theatrical employment has been granted by the director of labor and industrial relations.

Your Committees received testimony in support of this measure from the Department of Labor and Industrial Relations; International Alliance of Theatrical State Employees Mixed Local 665, AFL-CIO; Hawaii State Teachers Association; and eight individuals. Your Committees received comments on this measure from the Screen Actors Guild – American Federation of Television and Radio Artists.

Your Committees find that existing law does not require a studio teacher to be present on set when minors are engaged in theatrical employment. Theatrical employment in Hawaii is predominately in television or motion picture production with durations that range from a few hours to several months. Your Committees also note that a production company with a union agreement, i.e., the Screen Actors Guild, is required to have studio teachers present only after the third consecutive day of work.

Your Committees have heard the concerns of the International Alliance of Theatrical State Employees Mixed Local 665, AFL-CIO and the Hawaii State Teachers Association that this measure, as drafted, does not address the requirement for a studio teacher when a minor is under fourteen years of age. Amendments to this measure are therefore necessary to address this concern.

Accordingly, your Committees have amended this measure by deleting its contents and inserting the following provisions:

- (1) Defining a theatrical employment minor as under the age of eighteen years;
- (2) Requiring attendance of a basic life support certified nurse for a minor under one year old;
- (3) Defining “studio teacher” as a teacher chosen by the employer and having a valid license to teach;
- (4) Establishing a one to ten teacher/student ratio on set;
- (5) Requiring the studio teacher and nurse not be the minor’s parent or guardian;
- (6) Requiring a parent or responsible adult designated by the parent accompany minors between one and five years old while on set; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note that the effective date is January 1, 2050, to encourage further discussion by your Committee on Judiciary.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1959, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1959, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Gabbard, Ihara).

Education: Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Kanuha).

SCRep. 3637 Housing on H.B. No. 1679

The purpose and intent of this measure is to provide housing assistance to low-income and elderly residents by authorizing the Hawaii Public Housing Authority to give preference to persons residing in the zip code in which a low-income or elder housing project is constructed for the housing project's initial tenants or residents.

Your Committee received testimony in support of this measure from the Hawaii Public Housing Authority.

Your Committee finds that the measure as written could have potential conflicts with provisions of the Fair Housing Act, 42 United States Code, Sections 3601-3619. Additionally, your committee finds that all housing should be included rather than only elder housing.

Accordingly, your Committee has amended this measure by:

- (1) Removing the language that restricts housing preference by zip code and replacing it with persons impacted by a low-income housing project; and
- (2) Making it effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1679, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1679, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3638 (Joint) Transportation and Commerce, Consumer Protection, and Health on H.B. No. 1833

The purpose and intent of this measure is to regulate peer-to-peer car sharing in Hawaii by creating certain insurance, notice, recordkeeping, and disclosure requirements.

Your Committees received testimony in support of this measure from the Department of Transportation and SanHi Government Strategies, LLLP. Your Committees received testimony in opposition to this measure from Avail, Inc./Allstate and Hawaii Association for Justice. Your Committees received comments on this measure from Department of Taxation; Department of Commerce and Consumer Affairs; Tax Foundation of Hawaii; Getaround, Inc.; and Turo, Inc.

Your Committees find that this measure creates a new chapter in the Hawaii Revised Statutes to govern peer-to-peer car sharing in Hawaii. However, your Committees also find that the measure lacks adequate protection for consumers. Furthermore, your Committees find that the measure, as written, subjects peer-to-peer car sharing programs to double taxation.

Accordingly, your Committees have amended this measure by:

- (1) Adopting the proposed amendments from the Department of Commerce and Consumer Affairs, which improves consumer protection by requiring peer-to-peer car sharing programs to:
 - (A) Provide primary insurance coverage;
 - (B) Disclose to the consumer all required taxes and fees, costs, insurance costs, and total price to rent the vehicle;
 - (C) Collect complete and accurate data such as insurance policy numbers, coverage amounts, and the names and contact information of car share drivers and car share owners; and
 - (D) Remove vehicles subject to recall from the peer-to-peer car sharing platform;
- (2) Adopting the proposed amendments from the Department of Taxation, which clarify that the Rental Vehicle Surcharge Tax marketplace facilitator is not the lessor of the vehicle; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1833, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1833, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Nishihara, Ruderman, Thielen).

SCRep. 3639 (Joint) Education and Higher Education on H.B. No. 2088

The purpose and intent of this measure is to:

- (1) Establish a working group to create a state plan to make *Free Application for Federal Student Aid* (FAFSA) completion a statewide graduation requirement and an opt-out waiver for FAFSA completion by the 2022-2023 school year; and
- (2) Appropriate funds.

Your Committees received testimony in support of this measure from the State Public Charter School Commission, Hawaii State Teachers Association, HawaiiKidsCAN, Chamber of Commerce Hawaii, Maui Chamber of Commerce, Maui High School, and eight private individuals. Your Committees received testimony in opposition to this measure from the Hawaii Government Employees Association and Molokai High School. Your Committees received comments on this measure from the Department of Education, Office of Information Practices, and a private individual.

Your Committees find that motivating more students and providing resources to assist them in completing their FAFSA will help ensure that high school graduates do not forgo post-secondary educational opportunities simply because they cannot afford to pay for them. This accords with the Hawaii P-20 initiative's "55 by 25" goal of having fifty-five percent of adults earn a college degree by 2025. Although the State is making progress towards this objective, attainment remains at 46.3 percent. One potential avenue to help realize this goal could be to follow Louisiana's example. A national success story, Louisiana's FAFSA completion rate jumped from forty-four percent to nearly eighty percent after they made FAFSA completion or an opt-out waiver a statewide graduation requirement.

Your Committees have amended this measure by:

- (1) Including a representative of the charter school community in the working group; and
- (2) Making the working group subject to the Sunshine Law.

As affirmed by the records of votes of the members of your Committees on Education and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2088, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2088, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Education: Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Kanuha).

Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Keith-Agaran).

SCRep. 3640 Education on H.B. No. 2215

The purpose and intent of this measure is to:

- (1) Establish a workforce development coordinator position within the Department of Education;
- (2) Specify the duties of the coordinator and P-20 agriculture education working group; and
- (3) Appropriate funds.

Your Committee received testimony in support of this measure from the Department of Education, Hawaii State Teachers Association, Hawai'i Farm Bureau, Hawai'i Farm to School Hui, Local Food Coalition, Kahana Foundation, Hawai'i Farmers Union United, Center for Getting Things Started, Ka Ohana O Na Pua, and four private individuals.

The average age of farmers in Hawaii is sixty years of age. Your Committee finds that this measure provides necessary coordination among the lower educational institutions, nonprofit organizations, institutions of higher education, industry, and community foundations to encourage and support those students who want to become new farmers and others needed to revitalize the state agriculture industry, contribute to local food systems, and enhance local food security.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2215, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2215, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 3641 Education on H.B. No. 1974

The purpose and intent of this measure is to:

- (1) Amend the minimum qualifications for nominees to the State Public Charter School Commission to require residency in the State; and
- (2) Provide that commission members may be reimbursed for necessary and reasonable travel expenses incurred in the conduct of official commission business.

Your Committee received no testimony on this measure.

Hawaii has a unique culture and the only statewide school district in the United States. Your Committee finds that potential nominees to the State Public Charter School Commission should live in Hawaii or be willing to relocate here, in order to properly understand the strengths and opportunities of charter schools in such a singular social environment.

Your Committee has amended this measure by inserting an effective date of July 1, 2055, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1974, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1974, H.D. 1, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 3642 Commerce, Consumer Protection, and Health on H.B. No. 2102

The purpose and intent of this measure is to:

- (1) Require labels on hemp products;
- (2) Prohibit unwarranted health-related statements about hemp products;
- (3) Establish standards for hemp product manufacturers;
- (4) Prohibit the manufacture or sale of any food into which a hemp product has been added;
- (5) Prohibit the sale of hemp products designed to appeal to children;
- (6) Establish that a product shall not be considered adulterated or misbranded solely by the inclusion of hemp with certain exceptions;
- (7) Require the Department of Health to adopt rules related to hemp products;
- (8) Clarify that a licensed medical cannabis dispensary shall not be prohibited from manufacturing, distributing, or selling products that contain hemp, or cannabinoids, extracts, or derivatives from hemp, subject to certain conditions;
- (9) Prohibit the sale of hemp products to persons under twenty-one years of age; and
- (10) Require the Department of Health to report to the Legislature.

Your Committee received testimony in support of this measure from Pac Pacific Ventures, Maui Grown Therapies, Retail Merchants of Hawaii, and one individual. Your Committee received testimony in opposition to this measure from Kokoiki Brands LLC, Hawai'i Hemp Farmers Association, Hawaii Farmers Union United, Irie Hawaii, Vote Hemp, U.S. Hemp Roundtable, and twenty-two individuals. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that since Congress passed the Agricultural Improvement Act of 2018, the sale of cannabidiol products from commercial cultivation of hemp has increased rapidly. Industrial hemp is currently being used nationally in hundreds of different applications, including consumer textiles, personal care, industrial components, and dietary supplements containing cannabidiol.

Your Committee further finds that with the existence of competing federal frameworks, several states, such as Florida, Ohio, and Texas, have already acted to pass laws or regulations that explicitly allow hemp-derived cannabidiol products to be produced and sold to consumers to provide stability and certainty in the marketplace. This measure similarly aims to eliminate the existing confusion among consumers and the industry, as well as provides a timely regulatory framework for hemp products in the State.

Your Committee has amended this measure by:

- (1) Clarifying findings relating to the importance of establishing a timely regulatory framework for hemp products and cannabinoids;
- (2) Establishing a new chapter, rather than a new part under chapter 328, Hawaii Revised Statutes, for provisions related to hemp products;
- (3) Adding and clarifying various definitions related to hemp products;
- (4) Inserting provisions relating to hemp processing, including prohibiting a person from processing hemp or manufacturing hemp into hemp products without being registered by the Department of Health as a hemp processor and other processing requirements;
- (5) Inserting provisions relating to hemp processor registry, including application requirements and fees;
- (6) Inserting provisions relating to the use of hemp as an ingredient in hemp supplements or hemp cosmetics;
- (7) Specifying labeling requirements for hemp products;
- (8) Prohibiting health claims related to hemp products;
- (9) Specifying provisions relating to prohibiting the manufacturing, sales, and distribution of certain products into which hemp or cannabinoid have been added;
- (10) Deleting provisions relating to a product not being considered adulterated or misbranded solely by the inclusion of hemp with certain exceptions;
- (11) Clarifying the Department of Health's rulemaking authority;
- (12) Deleting provisions that specified circumstances in which a licensed entity could manufacture, distribute, sell products that contain hemp under chapter 329D, Hawaii Revised Statutes;
- (13) Inserting language that establishes laboratory standards and testing requirements;

- (14) Inserting provisions relating to enforcement and penalties;
- (15) Establishing the Hawaii Hemp Processing Revolving Fund;
- (16) Deleting language that would have required the Department of Health to submit a report to the Legislature on the implementation of the measure and other recommendations;
- (17) Inserting language that appropriates funds into the Hawaii Hemp Processing Revolving Fund;
- (18) Inserting language that requires the Department of Health to establish a repayment plan and schedule to repay the general fund by July 1, 2027, for funds deposited in the Hawaii Hemp Processing Revolving Fund;
- (19) Inserting savings and severability clauses;
- (20) Deleting the repeal date of June 30, 2023; and
- (21) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that although the appropriation is blank, the Department of Health's testimony requests an appropriation of \$750,000 to be deposited into the Hawaii Hemp Processing Revolving Fund.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2102, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2102, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Chang, Ruderman, Thielen, Fevella). Noes, none. Excused, 1 (Nishihara).

SCRep. 3643 Education on H.B. No. 2703

The purpose and intent of this measure is to:

- (1) Establish a pilot program to prevent targeted school violence; and
- (2) Appropriate funds to the Office of Homeland Security to prevent targeted school violence.

Your Committee received testimony in support of this measure from the Department of Education, Department of Human Services, Hawaii Department of Defense, and State Public Charter School Commission.

Your Committee finds that providing intervention services and preventing violence in schools is an important responsibility the State has regarding Hawaii's children. The establishment of a threat assessment program in the Department of Education has been a priority of the department's Safety, Security, and Emergency Preparedness Branch for over three years. This measure would provide the Department of Education with the resources necessary to act proactively to keep youth safe.

Your Committee has amended this measure by inserting an effective date of July 1, 2055, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2703, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2703, H.D. 2, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 3644 Education on H.B. No. 1996

The purpose and intent of this measure is to require:

- (1) The Board of Education to include evaluation of the most current strategic plan indicators as a component of the Superintendent of Education's annual performance evaluation; and
- (2) Improvements in at least one-half of those indicators for any salary increase for the Superintendent.

Your Committee received testimony in support of this measure from He'e Coalition. Your Committee received testimony in opposition to this measure from the Board of Education and Hawaii State Teachers Association. Your Committee received comments on this measure from the Democratic Party of Hawaii Education Caucus.

Your Committee finds that transparency in determining the salary and compensation of the Superintendent of Education fosters accountability for all parties involved. Utilizing the Superintendent's progress in meeting strategic plan indicators that indicate whether Hawaii students are making academic progress is one crucial means of evaluating effectiveness.

Your Committee has amended this measure by making it effective upon approval.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1996, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1996, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 3645 Education on H.B. No. 2094

The purpose and intent of this measure is to:

- (1) Establish an early childhood educator stipend program to be administered by the Executive Office on Early Learning to address the shortage of qualified early childhood educators in Hawaii; and
- (2) Appropriate funds.

Your Committee received testimony in support of this measure from the Executive Office on Early Learning, Department of Human Services, State Public Charter School Commission, Hawaii Teacher Standards Board, Early Learning Board, Hawaii State Teachers Association, Kamehameha Schools, Democratic Party of Hawaii Education Caucus, Children's Action Network Speaks!, Parents and Children Together, Kaulanakilohana, and six private individuals.

Your Committee finds that potential workers in the early childhood education face formidable obstacles. Even highly qualified and motivated workers are paid very low wages. As a result, recruitment and retention of workers in the early childhood education field can be extremely challenging. This measure provides one important means of improving the recruitment and retention of workers in a field that is a State priority.

Your Committee has amended this measure by inserting an effective date of July 1, 2055, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2094, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2094, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 3646 Education on H.B. No. 2412

The purpose and intent of this measure is to:

- (1) Require the Department of Education to establish a three-year pilot program for the development and implementation of a trauma-informed education program in the Castle, Kailua, and Kalaheo complex areas, based on the Nanakuli-Waianae complex area trauma-informed education programs and report to the legislature; and
- (2) Appropriate funds.

Your Committee received testimony in support of this measure from the Department of Education, Executive Office on Early Learning, Democratic Party of Hawaii Education Caucus, HawaiiKidsCAN, Hawaii Psychological Association, Gemas Consulting, and nine private individuals.

Adverse childhood experiences such as abuse, neglect, and other traumas can have a long-lasting effect on the cognitive development and physical, social, and emotional well-being of children. Quality trauma-informed training for educators and school staff can enable schools to better support students to feel engaged at schools and connected with teachers and peers. This may result in improved behavior, fewer expulsions, and improvements in academic achievement. Your Committee finds that trauma-informed education will enable educators to provide students with seamless and accessible social, behavioral, and emotional support informed by evidence-based and developmentally appropriate child and family services.

Your Committee has amended this measure by inserting an effective date of July 1, 2055, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2412, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2412, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 3647 (Joint) Energy, Economic Development, and Tourism and Human Services on H.B. No. 1945

The purpose and intent of this measure is to:

- (1) Allocate revenue from the transient accommodations tax to the tourism special fund and appropriate funds for the Hawaii Tourism Authority and Hawaii Lodging and Tourism Association to address homelessness in tourist and resort areas, subject to private matching funds; and
- (2) Require the Hawaii Tourism Authority to submit a report regarding its efforts to address homelessness in tourist and resort areas.

Your Committees received testimony in support of this measure from the Hawai'i Tourism Authority; Hawai'i Health and Harm Reduction; Hawaii Youth Services Network; Catholic Charities Hawai'i; Friends of the Children's Justice Center of East Hawaii; Adult Friends for Youth; Aloha Medical Mission; The Salvation Army, Hawaiian and Pacific Islands Division; Hope Services Hawaii; Land Use Research Foundation of Hawaii; Mobile Munchies; Partners in Development Foundation; Making Ends Meet; Honolulu Habitat for Humanity; Friends of the Children's Justice Center of Oahu; Hawaii Foodbank; Hawaii Foodbank Kauai; Aloha Harvest; Hawaii Island HIV/AIDS Foundation; Kohala Coast Resort Association; Maui Food Bank; Keiki Cupboard; Residential Youth Services and Empowerment; St. Michael the Archangel Church; Hale Kau Kau; Corvette Center Ministries; Institute for Human Services; Kauai Independent Food Bank; Habitat for Humanity Maui, Inc.; River of Life Mission; Hawaii Chapter of the Hawai'i Lodging and Tourism Association; Hawaii Island Home for Recovery, Inc.; and eight individuals. Your Committees received comments on this measure from the Governor's Coordinator on Homelessness, Tax Foundation of Hawaii, Ohana Christian Fellowship, and one individual.

Your Committees find that homelessness remains one of the most pressing issues of the State. While your Committees acknowledge that the number of reported homeless persons has decreased, your Committees believe that there is still much that needs to be done to create a better living environment for all residents of the State. Your Committees further find that the tourism industry is one of the economic drivers of the State and has the necessary resources to support the effort to reduce homelessness across the State. Your Committees believe that addressing tourist and resort areas that are affected by homelessness will not only assist the homeless community by providing them with improved living situations, but will simultaneously improve areas that are frequently visited by tourists, thereby improving the overall quality of the overall visitor experience and resulting economic benefit to the State.

Your Committees have amended this measure by:

- (1) Requiring the Hawaii Tourism Authority and Hawaii Lodging and Tourism Association to consult with the Hawaii Interagency Council on Homelessness prior to awarding funds for projects addressing homelessness; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1945, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1945, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair and President on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Taniguchi).

Human Services: Ayes, 5; Ayes with Reservations (Rhoads). Noes, none. Excused, none.

SCRep. 3648 Energy, Economic Development, and Tourism on H.B. No. 1910

The purpose and intent of this measure is to:

- (1) Establish the sustainable aviation fuel program to provide matching grants to any small business in Hawaii that is developing products related to sustainable aviation fuel or commercial aviation operations greenhouse gas reduction; and
- (2) Appropriate funds for the sustainable aviation fuel program.

Your Committee received testimony in support of this measure from the Department of Transportation, Hawaii State Energy Office, Office of Planning, University of Hawai'i System, Hawai'i Public Health Association, Simonpietri Enterprises, 350Hawaii, Climate Protectors Coalition, Volcano Action Network, Environmental Caucus of the Democratic Party of Hawai'i, Airlines for America, and twelve individuals. Your Committee received comments on this measure from the Department of Agriculture and Hawaii Technology Development Corporation.

Your Committee finds that the State is focused on reducing its dependency on fossil fuels and exploring various avenues to reduce greenhouse gas emission. Currently, nearly one-third of the energy consumed in the State is used for jet fuel, which is a higher proportion of petroleum consumption than any other energy sector. Your Committee further finds that the movement toward sustainable aviation fuel will allow the State to reduce fossil fuel impacts on the environment, improve the health of the State's communities, and provide sustainable new business opportunities. This measure will shift the State toward sustainable aviation fuel, thereby creating new economic opportunities in the development of sustainable fuels and lead to a gradual alleviation of current energy-related emissions by establishing a sustainable aviation fuel program in the State.

Your Committee has amended this measure by:

- (1) Updating the purpose section; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1910, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1910, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Inouye).

SCRep. 3649 Energy, Economic Development, and Tourism on H.B. No. 202

The purpose and intent of this measure is to:

- (1) Repeal the renewable energy technologies income tax credit for solar energy systems and wind-powered energy systems for commercial properties for taxable years beginning after December 31, 2019, except for taxpayers subject to a power purchase agreement approved or pending approval by a decision and order issued by the Public Utilities Commission prior to December 31, 2019;
- (2) Increase the renewable energy technologies income tax credit cap amount for multi-family residential properties; and
- (3) Make the renewable energy technologies income tax credit unavailable after December 31, 2045.

Your Committee received testimony in support of this measure from Adon Renewables; Ho'ohana Solar 1, LLC; Hawaii Clean Power Alliance; SanHi Government Strategies; and Clearway Energy Group. Your Committee received testimony in opposition to this measure from Tesla, EcoTipping Points Project, and Hawaii Solar Energy Association. Your Committee received comments on this measure from the Department of Taxation; Hawaii State Energy Office; Tax Foundation of Hawaii; 350Hawaii; Ulupono Initiative; Kaula'i Island Utility Cooperative; Hawaii Electric Company, Inc.; Climate Protectors Coalition; and eight individuals.

Your Committee finds that Hawaii has one of the highest costs-of-living in the nation, placing a tremendous burden on residents. Your Committee further finds that utility-scale renewable energy is critical to meeting the State's clean energy goals because it provides long-term, stable costs for drawing electricity from the grid. To drive down high costs that are passed on to the ratepayer, developers must assume the risks that are a part of the permitting, entitlements, and financing for these projects. Your Committee notes that these tax credits are applied to the rates that are contracted with the electric utilities and ultimately are reflected in the rates benefiting ratepayers.

Your Committee believes that any changes to the renewable energy technologies tax credit prior to the completion of necessary utility-scale projects could financially harm the developer's ability to deliver any proposed projects, which would ultimately harm the ratepayers and the State's energy policies. This measure will provide certain utility-scale renewable energy projects assurance that the currently available tax credit will still apply to certain projects to encourage the completion of these utility-scale energy projects and realize some savings by repealing the tax credit for certain taxpayers.

Your Committee has amended this measure by:

- (1) Clarifying that, for taxable years beginning after December 31, 2019, no tax credit shall be claimed for solar energy systems installed and placed in service for commercial properties that require a power purchase agreement approved by the Public Utilities Commission;
- (2) Clarifying that notwithstanding any amendment made to any applicable law for solar energy systems installed on commercial property pursuant to a power purchase agreement that is either approved by a decision and order or filed and pending approval by the Public Utilities Commission, a taxpayer will continue to receive the tax credit under certain circumstances;
- (3) Specifying that a taxpayer may receive up to the applicable cap amount of \$500,000 per solar energy system that has a total output capacity of at least one thousand kilowatts per system of direct current;
- (4) Authorizing solar energy systems that are integrated with a pump hydroelectric storage system to continue collecting the renewable energy technologies tax credit if an applicable project approval filing has been submitted to the Public Utilities Commission by December 31, 2021; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 202, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 202, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Inouye).

SCRep. 3650 Energy, Economic Development, and Tourism on H.B. No. 1622

The purpose and intent of this measure is to amend the allocation of transient accommodations tax to fund the development, in addition to the operation, of a Hawaiian center and a museum of Hawaiian music and dance.

Your Committee received testimony in support of this measure from the Hawaii Tourism Authority. Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that the perpetuation of Hawaiian culture and dance is an important initiative that is necessary to strengthen Hawaiian history and culture, thereby making authentic experiences accessible to residents and visitors of the State. Existing law allocates a portion of the revenues of the transient accommodations tax for the operation of a Hawaiian center and the museum of Hawaiian music and dance. However, your Committee finds that existing law does not authorize the funds to be used for the development of a Hawaiian center and museum of Hawaiian music and dance, thereby restricting the use of funds only to the day-to-day activities of a center. This measure will clarify that the revenues received from the transient accommodations tax may be used for both the operation and development of a Hawaiian center and museum of Hawaiian music and dance.

Your Committee also finds that Act 104, Session Laws of Hawaii 2017, established the temporary commission on the Thirteenth Festival of Pacific Arts, which planned to host the festival here in Hawaii in June 2020. Visitors from around the world were expected to share and exchange their cultures. Your Committee notes that due to the outbreak of COVID-19, the festival has been postponed to June 2021 due to health concerns. Your Committee finds great importance in holding this historic event in Hawaii and believes it necessary to extend the temporary commission beyond the original sunset date established in Act 104, Session Laws of Hawaii 2017.

Accordingly, your Committee has amended this measure by:

- (1) Extending the date on which the temporary commission on the Thirteenth Festival of Arts shall cease to exist to August 31, 2022; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1622, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1622, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Inouye, Fevella).

SCRep. 3651 Energy, Economic Development, and Tourism on H.B. No. 2188

The purpose and intent of this measure is to:

- (1) Require an unspecified distance setback from the nearest existing farm dwelling or residential dwelling unit for certain wind energy facilities in agricultural districts;
- (2) Require a study on the effects of noise production by wind energy facilities on the health of residents; and
- (3) Appropriate funds to conduct the study.

Your Committee received testimony in support of this measure from the University of Hawai'i System, 350Hawaii, Hawaii Youth Climate Coalition, EcoTipping Points Project, Environmental Caucus of the Democratic Party of Hawai'i, and thirty-six individuals. Your Committee received testimony in opposition to this measure from the Ulupono Initiative. Your Committee received comments on this measure from the Hawaii State Energy Office; Hawaiian Electric Company, Inc; AEP Renewables; Hawaii Clean Power Alliance; and two individuals.

Your Committee finds that wind energy facilities are a valuable source of renewable energy that brings the State closer to realizing its goal of one hundred percent renewable energy by 2045. However, your Committee notes that there are financial, societal, and environmental costs to the installation of wind energy systems. Residents living near wind energy facilities have reported numerous negative health impacts, including earaches, dizziness, fainting, migraines, and trouble sleeping. Your Committee finds merit in conducting an official study on the potential health impacts on those living near a wind energy facility to get a better understanding on the effects of wind energy facilities on residents.

Your Committee also finds that wind energy facility siting or setback requirements vary across the nation. Setback requirements around the nation are usually defined with respect to the height of the system. Your Committee believes that using the height of a wind turbine as the setback requirement will address the concerns of residents, while allowing the development of wind energy facilities to produce renewable energy.

Accordingly, your Committee has amended this measure by:

- (1) Inserting a distance setback requirement of one foot for every foot of height of a wind turbine from the nearest farm dwelling or off-site residential dwelling unit; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2188, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2188, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Inouye).

SCRep. 3652 Energy, Economic Development, and Tourism on H.B. No. 2681

The purpose and intent of this measure is to authorize the issuance of revenue bonds and appropriate funds to the Hawaii Technology Development Corporation to construct two electrolysis hydrogen production, storage, and dispensing facilities, one on Oahu and one on a neighbor island, to be managed by the Hawaii Center for Advanced Transportation Technologies.

Your Committee received testimony in support of this measure from the Hawaii Center for Advanced Transportation Technologies, Hawaii Food Industry Association, SanHi Government Strategies, Hawaii Automobile Dealers' Association, and Servco Pacific Inc.

Your Committee finds that hydrogen fuel cell-powered transportation supports the decarbonization of the transportation sector and enables increased utilization of renewable energy throughout the State. Your Committee believes that the development and deployment of hydrogen infrastructure in the State will serve as a catalyst in further expanding the State's renewable energy technology portfolio, thereby reducing its dependency on fossil fuels, promoting financial independence, and creating an economy based on renewable energy technologies like hydrogen. Hydrogen is becoming an integral part of economic expansion throughout the world as it reduces reliance on fossil fuels and reduces carbon dioxide emissions. This measure will allow the State to achieve its renewable energy goals by establishing the foundation for hydrogen production, storage, and dispensing facilities in the State.

Your Committee has amended this measure by

- (1) Requiring that each electrolysis hydrogen production, storage, and dispensing facility meet or exceed:
 - (A) All current Society of Automotive Engineers international hydrogen fueling standards and protocols, including J2601, J2719, and J2799; and
 - (B) The vehicle manufacturer's fueling standards and protocols for vehicles that are intended to use the electrolysis hydrogen facility; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2681, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2681, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Inouye).

SCRep. 3653 (Joint) Hawaiian Affairs and Water and Land on H.B. No. 2208

The purpose and intent of this measure is to appropriate funds to the Department of Hawaiian Homelands for the acquisition of land in East Oahu to be developed by the Department of Hawaiian Homelands for affordable housing units.

Your Committees received testimony in support of this measure from the Department of Hawaiian Home Lands and three individuals. Your Committees received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies and one individual.

Your Committees find that Oahu has the largest demand for homesteading. Your Committees further find that one of the recommendations of the Oahu Island Plan, adopted by the Hawaiian Homelands Commission in 2014, is to acquire new lands for homesteading. This measure supports the Oahu Island Plan by appropriating funds to enable the Department of Hawaiian Home Lands to purchase land for development of affordable housing in East Oahu, an area where the Department for Hawaiian Home Lands currently has no landholdings to develop affordable housing units.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2208, and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Hawaiian Affairs: Ayes, 5. Noes, none. Excused, none.

Water and Land: Ayes, 4. Noes, none. Excused, 1 (Nishihara).

SCRep. 3654 Hawaiian Affairs on H.B. No. 2015

The purpose and intent of this measure is to:

- (1) Establish a pilot program within the Aina Mauna legacy program of the Department of Hawaiian Home Lands to remove and harvest gorse from Mauna Kea and develop it as a marketable product to expand economic opportunities for native Hawaiians;
- (2) Require reports to the Legislature; and
- (3) Appropriate funds.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands; County of Hawai'i, Office of the Mayor; EcoTipping Points Project; and two individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from one individual.

Your Committee finds that gorse is a highly invasive plant species that creates impenetrable thickets, which can be over twelve feet tall and is difficult to eradicate. Your Committee further finds that a significant need exists for greater economic opportunities for native Hawaiians. This measure will provide new economic opportunities for native Hawaiians by establishing a pilot program within the Aina Mauna Legacy Program of the Department of Hawaiian Home Lands to remove and harvest gorse from Mauna Kea and develop it as a marketable product.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2015, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 3655 (Joint) Human Services and Judiciary on H.B. No. 2037

The purpose and intent of this measure is to establish and appropriate funds for the Hawaii state lesbian, gay, bisexual, transgender, queer, plus (LGBTQ+) commission.

Your Committees received testimony in support of this measure from the Department of Human Services, Department of Health, Hawai'i Civil Rights Commission, LGBT Caucus of the Democratic Party of Hawai'i, Pride at Work - Hawai'i, Common Cause Hawaii, Iron Workers Stabilization Fund, Planned Parenthood Votes Northwest and Hawaii, Lambda Law Student Association, GLSEN Hawai'i, Rainbow Family 808, and sixteen individuals. Your Committees received comments on this measure from the Department of the Attorney General and Office of Hawaiian Affairs.

Your Committees find that the LGBTQ+ community contends with various forms of systemic discrimination and persistent socioeconomic and health disadvantages not reflective of Hawaii's cultural history and traditional values. These conditions may be exacerbated by social and economic pressure such as employment discrimination or lack of family support. Your Committees further find that establishing a program to address, reduce, and remedy these disadvantages is appropriate to best serve our LGBTQ+ community.

Your Committees note that the amount of funds appropriated has not been specified. The Department of Human Services has expressed that with regard to amounts appropriated, the following items should be included:

- (1) One full time equivalent(1.0 FTE) executive director position;
- (2) An operational budget; and
- (3) Provisions for office space and associated technical and administrative systems.

Your Committees have heard the concerns of the Department of Human Services and Attorney General that the language in this measure, as drafted, is inconsistent with respect to the number of voting members appointed by the Governor.

Accordingly, your Committees have amended this measure by:

- (1) Specifying that there are seven members; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2037, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2037, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the President and Chair on behalf of the Committees.
 Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).
 Judiciary: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3656 (Joint) Human Services and Government Operations on H.B. No. 2466

The purpose and intent of this measure is to establish a pilot project for the State to provide lease space for the establishment of child care facilities at any capital district building with enrollment priority for children of state employees who work in the building at which the child care facility is located.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services. Your Committees received testimony in opposition to this measure from one individual.

Your Committees find that there is a shortage of childcare facilities. Providing child care to working families on state property would be of benefit to working parents. Your Committees further note that, although in the past in Hawaii, titles to measures have been amended, the veto message to S.B. No. 1209-77, Session Laws of Hawaii 1977, and Attorney General Letter Opinion dated April 11, 1978, indicate that titles should not be amended. Therefore, the title of this measure limits the location of an established facility to capital district buildings despite your Committees desire to expand the location to other buildings.

Your Committees heard testimony of the Department of Human Services expressing concerns that although the measure enables them to contract with private entities for the pilot project there is no clarification as to whether families would be required to pay fees for services received from the child care facility. Your Committees note that in anticipation of contracting with a private child care provider, operating costs might be collected directly from the families utilizing the child care services.

Your Committees also note that the Department of Accounting and General Services and Department of Human Services indicated that considerations for optimal site location, renovations for compliance with county ordinance for permit and building requirements specific to a child care facility; and implementation would require more time than allotted. Specifically, operation of the child care facility in calendar year 2020 is not feasible.

Accordingly, your Committees have amended this measure by:

- (1) Inserting language to expand participation in enrollment to the general public;
- (2) Changing the repeal date to June 30, 2030, to allow appropriate time for considerations required to initiate operation;
- (3) Making the report requirement, beginning with the year 2022, for alternating years; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note that although the appropriation is blank, the Department of Accounting and General Services' testimony requests an appropriation of \$100,000 to conduct a feasibility study. Finally, your Committees note that the effective date is December 31, 2059, to encourage further discussion and consideration by your Committee on Ways and Means.

As affirmed by the records of votes of the members of your Committees on Human Services and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2466, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2466, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the President on behalf of the Committees.
 Human Services: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).
 Government Operations: Ayes, 3. Noes, none. Excused, 2 (Kanuha, Fevella).

SCRep. 3657 Hawaiian Affairs on S.C.R. No. 57

The purpose and intent of this measure is to urge the State of Hawaii to provide native Hawaiians with their fair share of the public land trust revenues.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Democratic Party of Hawaii, Hawaiian Affairs Caucus; Kamehameha Schools; and four individuals. Your Committee received testimony in opposition to this measure from the Center of Hawaiian Sovereignty Studies.

Your Committee finds that the Hawaii State Constitution does not define what percentage of the public land trust income and proceeds the Office of Hawaiian Affairs should receive on behalf of native Hawaiians because that determination was left to the Legislature. The Legislature determined that native Hawaiians should receive at least twenty percent of the public land trust revenue. Twenty percent of the total revenues of the public land trust is estimated to be at least \$34,963,244 as of fiscal year 2015-2016. Native

Hawaiians, through the Office of Hawaiian Affairs, have yet to be provided with their fair share of the public land trust revenue. The State should provide the Office of Hawaiian Affairs with its fair share of the revenue to demonstrate that the State is committed to fulfilling its public land trust obligations owed to native Hawaiians and to improving the conditions for native Hawaiians in the State.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 57 and recommends that it be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3658 (Joint) Hawaiian Affairs and Water and Land on S.C.R. No. 60

The purpose and intent of this measure is to support the Department of Hawaiian Home Lands beneficiaries by affirming their kuleana to have a voice in coming to a resolution on compensation for unauthorized use of the Mauna Kea Access Road and other Department of Hawaiian Home Land parcels in the surrounding area.

Your Committees received testimony in support of this measure from the Association of Hawaiian Civic Clubs, Waimanalo Hawaiian Homes Association, Kalihi Palama Hawaiian Civic Club, Hawai'i Council for the Association of Hawaiian Civic Clubs, Kaula'i Council of the Association of Hawaiian Civic Clubs, Prince Kūhiō Hawaiian Civic Club, and ten individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Hawaiian Home Lands, Office of Hawaiian Affairs, and Malu'ōhai Residents' Association.

Your Committees find that the Department of Hawaiian Home Lands is governed by the Hawaiian Homes Commission Act of 1920, enacted by the United States Congress to protect and improve the lives of native Hawaiians. The Act created a Hawaiian Homes Commission to administer certain public lands, called Hawaiian home lands, for homestead. In 1995, the State of Hawaii enacted legislation, known as Act 14, to resolve and satisfy all claims stemming from its improper and uncompensated use of trust lands that arose between August 21, 1959, and July 1, 1988. To resolve all controversies and claims regarding the improper and uncompensated use of lands for state roads and highways, Act 14 contemplated "the initiation of a land exchange" between the State and the Hawaiian Homes Commission. However, twenty-four years after the law was passed, there is no evidence that either entity has initiated any land exchange pursuant to Act 14 to resolve the State's prior improper and uncompensated use of trust lands for roads and highways, including for the use of the Mauna Kea Access Road. Your Committees find that affirming the Department of Hawaiian Home Lands beneficiaries' kuleana to have a voice in coming to a resolution on compensation for the use of Mauna Kea Access Road will help resolve the controversies and claims relating to its use.

Your Committees have amended this measure by:

- (1) Changing the number of beneficiary applicants on the waitlist for Hawaiian home land leases from 44,952 to 28,418;
- (2) Clarifying that the Legislature supports Hawaiian home lands trust beneficiaries by affirming their right to require the Department of Hawaiian Home Lands, Department of Land and Natural Resources, and Department of Transportation to come to a resolution and fair compensation for past, present, and future use of the lands beneath the Mauna Kea Access Road and other Department of Hawaiian Home Lands parcels in the surrounding area;
- (3) Removing language that provides that the Legislature supports the Department of Home Lands beneficiaries by affirming their kuleana to have a voice in coming to a resolution on compensation for the use of the Mauna Kea Access Road and other parcels in the surrounding area;
- (4) Amending its title in accordance with its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 60, as amended herein, and recommend that it be referred to your Committees on Judiciary and Ways and Means, in the form attached hereto as S.C.R. No. 60, S.D. 1.

Signed by the Chairs on behalf of the Committees.
Hawaiian Affairs: Ayes, 5. Noes, none. Excused, none.
Water and Land: Ayes, 4. Noes, none. Excused, 1 (Nishihara).

SCRep. 3659 Commerce, Consumer Protection, and Health on H.B. No. 2562

The purpose and intent of this measure is to:

- (1) Specify the manner in which a member of a board of a planned community association or condominium association may resign; and
- (2) Limit a planned community association board's ability to fill a vacancy.

Your Committee received testimony in support of this measure from the Hawaii Chapter of the Community Associations Institute; Hawai'i State Association of Parliamentarians; Associa; Case Lombardi & Pettit, a Law Corporation; Law Offices of Mark K. McKeller, LLLC; and nine individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that existing law governing common interest communities requires clarification to avoid further disputes. This measure seeks to clarify and resolve several issues that have occurred in condominium and planned community association meetings concerning resignations and the filling of vacancies.

Your Committee has heard the concerns raised in testimony that this measure, as written, could allow a board whose majority habitually disagrees with one board member to simply state that the board member gave their resignation orally and there would be no

way to prove otherwise. Further, requiring written statements of resignation to be signed by the member is not an unreasonable burden to better protect board members. Therefore, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Clarifying that, for condominium associations, a member of the board of directors may resign from the board at any time by delivering a signed written notice of resignation to the association's property manager, board of directors, president, or secretary;
- (2) Clarifying that a member of the board may resign from the board by communicating the notice of resignation by electronic mail to certain persons, provided that an electronic signature is attached;
- (3) Providing a definition for "electronic signature";
- (4) Removing language that would have allowed a board member of a condominium association board of directors to provide oral notice of resignation during a meeting; and
- (5) Making technical, nonsubstantive amendments for purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2562, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2562, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 7. Noes, none. Excused, none.

SCRep. 3660 Commerce, Consumer Protection, and Health on H.B. No. 1620

The purpose and intent of this measure is to:

- (1) Amend the effect of finding a defendant charged with a misdemeanor or petty misdemeanor not involving violence or attempted violence unfit to proceed;
- (2) Amend the requirements for fitness determination hearings, court-appointed examiners, and examination reports;
- (3) Authorize the courts to enter into agreements to divert into residential, rehabilitative, and other treatment those defendants whose physical or mental disease, disorder, or defect is believed to have become or will become an issue in a judicial case;
- (4) Amend the requirements for appointing qualified examiners to perform examinations for penal responsibility; and
- (5) Require an examination for penal responsibility to be conducted within fifteen days after a finding of fitness to proceed.

Your Committee received testimony in support of this measure from the Department of Health; Judiciary; Hawaii Substance Abuse Coalition; Aloha House, Inc.; and three individuals. Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and Hawai'i Psychological Association. Your Committee received comments on this measure from the Department of the Attorney General and Hawaii Disability Rights Center.

Your Committee finds that the issue of mental health has resulted in the incarceration of numerous non-violent individuals charged with low-level and petty misdemeanors within the state prison facilities. As a result, these individuals in need of mental health treatment reside in these facilities without receiving mental health services. This measure supports the development and provision of alternative pathways leading to mental health services for individuals with lower level charges who are living with behavioral health issues.

Your Committee further finds that the issue regarding judicial proceedings in this measure requires further consideration and requests that your Committee on Judiciary examine this issue in its deliberation of this measure.

Your Committee has amended this measure by:

- (1) Clarifying the proceedings of the criminal justice diversion program, including resuming criminal cases for defendants who are deemed fit to proceed and, under the custody of the Director of Health, diverting defendants who cannot be determined as fit to proceed into the behavioral health system;
- (2) Clarifying provisions relating to court-appointed examiners when proceedings in prosecution are suspended due to doubt of a defendant's fitness to proceed;
- (3) Restoring language relating to the maximum days allotted for commitment of a defendant who is charged with a misdemeanor not involving violence or attempted violence;
- (4) Clarifying provisions relating to the requirements for appointing qualified examiners to perform examinations for penal responsibility;
- (5) Removing the time requirement for the ordering of the penal responsibility evaluation; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1620, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1620, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 6; Ayes with Reservations (Fevella). Noes, none. Excused, 1 (Nishihara).

SCRep. 3661 Energy, Economic Development, and Tourism on H.B. No. 1844

The purpose and intent of this measure is to:

- (1) Establish the clean energy and energy efficiency revolving loan fund;
- (2) Repeal the building energy efficiency revolving loan fund;
- (3) Allocate a portion of the barrel tax to the clean energy and energy efficiency revolving loan fund; and
- (4) Appropriate funds to provide loans or other financial assistance to eligible borrowers for clean energy investments or other authorized uses.

Your Committee received testimony in support of this measure from the Department of Transportation, Hawaii State Energy Office, Hawaii Green Infrastructure Authority, Office of Economic Development of the County of Kaua'i, Blue Plant Foundation, Elemental Excelerator, and one individual. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and Tax Foundation of Hawaii.

Your Committee finds that due to the State's high energy costs, the ability of ratepayers to support broad areas of the clean energy technology market are extremely limited. Attracting and leveraging private capital with limited public funds in a sustainable manner is critical to support Hawaii's evolving energy market and provide affordable energy options for all ratepayers. This measure will assist in the expansion of Hawaii's renewable energy supply by providing a more flexible source of funding that does not rely on ratepayer funds for programs to finance a broader range of clean energy technology.

Your Committee has amended this measure by:

- (1) Specifying that the clean energy and energy efficiency revolving loan fund is established in the Hawaii green infrastructure special fund, rather than the state treasury;
- (2) Clarifying that funds deposited into the clean energy and energy efficiency revolving loan fund are not under the jurisdiction of Public Utilities Commission approval;
- (3) Deleting language that would have deposited a portion of the environmental response, energy, and food security tax into the clean energy and energy efficiency revolving loan fund;
- (4) Allowing any amounts, up to a total of \$50,000,000, of moneys borrowed by the Hawaii Green Infrastructure Authority, with the approval of the Governor, from federal, county, private, or other funding sources to be included in the clean energy and energy efficiency revolving loan fund;
- (5) Providing that, of the fees collected by the Hawaii Green Infrastructure Authority, no monies collected as a result of the funds advanced from proceeds of the green energy market securitization bonds be kept separate from fees collected as a result of funds advanced from proceeds of the clean energy and energy efficiency loan fund;
- (6) Expanding the definition of "clean energy investments";
- (7) Authorizing the Hawaii Green Infrastructure Authority to:
 - (A) Implement and administer loan programs on behalf of other state departments or agencies through a memorandum of agreement and expend funds appropriated to the department or agency; and
 - (B) Pledge unencumbered net assets, loan receivable, assigned agreements, and security interests over equipment financed by loan capital borrowed from federal, county, or private sources, as collateral for the authority's borrowings to federal, county, or private lenders or agencies;
- (8) Deleting language that would have deposited a blank amount of the environmental response, energy, and food security tax into the clean energy and energy efficiency revolving loan fund;
- (9) Inserting an appropriation amount of \$50,000,000 to be appropriated out of the clean energy and energy efficiency revolving loan fund for fiscal year 2020-2021;
- (10) Changing the effective date to July 1, 2020; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1844, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1844, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Inouye, Keohokalole).

SCRep. 3662 (Joint) Energy, Economic Development, and Tourism and Government Operations on H.B. No. 1846

The purpose and intent of this measure is to:

- (1) Require all state facilities, except smaller state facilities and facilities at Aloha Stadium, to undergo an energy audit no later than January 1, 2022;
- (2) Set deadlines for state facilities to begin implementation of efficiency measures or enter into performance contracts for efficiency measures;
- (3) Authorize the Hawaii State Energy Office to have access to all utility bills and energy usage data for state-owned facilities, collect this information monthly, and make the data publicly accessible; and
- (4) Beginning July 1, 2020, require the design of all new state building construction to meet certain energy efficiency standards.

Your Committees received testimony in support of this measure from the Department of Accounting and General Services, Department of Education, Department of Transportation, Hawaii State Energy Office, Mitsubishi Corporation, Hawai'i Energy, CarbonCure Technologies, Ulupono Initiative, Pono Hawai'i Initiative, 350Hawaii, Elemental Excelsator, Blue Planet Foundation, Climate Protectors Coalition, Healthy Climate Communities, and nine individuals.

Your Committees find that maximizing energy efficiency and reducing demand for power generation is a necessary component of reaching the State's goal of one hundred percent renewable energy by 2045. Despite this ambitious goal, the State is still utilizing imported fossil fuels to produce energy, and energy used to power buildings accounts for over fifty percent of the electricity consumed in the State. Your Committees believe that the State should lead by example when it comes to implementing energy efficiency policies and energy-efficient building standards. This measure will assist the State in meeting its goal of one hundred percent renewable energy and maximizing savings of taxpayer dollars by requiring an energy audit for certain state facilities to allow for more energy-efficient state facilities.

Your Committees have amended this measure by:

- (1) Deleting language that would have required all state facilities to utilize the results of the energy audit conducted pursuant to this measure through the implementation of efficiency measures or enter into performance contracts for efficiency measures by certain timelines;
- (2) Requiring all states facilities that have not evaluated and identified for implementation energy efficiency retrofitting through performance contracting since 2010 to begin the process to do so by January 1, 2022;
- (3) Requiring that all other state facilities to complete an energy audit and implement the feasible recommended efficiency measures by January 1, 2022;
- (4) Deleting language that would have required all state facilities with an area over ten thousand feet, except facilities at Aloha Stadium, to undergo an energy audit to be conducted by the Hawaii State Energy Office or contracted out to an independent third party; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1846, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1846, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3; Ayes with Reservations (Fevella). Noes, none. Excused, 2 (Inouye, Keohokalole).

Government Operations: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

SCRep. 3663 (Joint) Energy, Economic Development, and Tourism and Government Operations on H.B. No. 2498

The purpose and intent of this measure is to:

- (1) Amend the amount of budget appropriations for energy expenditures that agencies performing energy efficiency or renewable energy system retrofitting are entitled to receive; and
- (2) Repeal the required setting aside of a portion of monies saved through the retrofitting.

Your Committees received testimony in support of this measure from the Pono Hawai'i Initiative. Your Committees received testimony in opposition to this measure from the Hawaii State Energy Office and Blue Planet Foundation. Your Committees received comments on this measure from the Department of Budget and Finance, Department of Education, and Ulupono Initiative.

Your Committees find that energy performance contracting offers significant opportunities for agencies to improve their facilities and operations. Energy performance contracting is a method of paying for facility improvements using energy and operational savings through a contracting vehicle that provides an opportunity to install more energy efficient equipment, address deferred maintenance, use renewable energy technologies, and reduce operational costs. Your Committees further find that existing law requires an agency performing energy efficiency or renewable energy system retrofitting to receive budget appropriations for energy expenditures that are at the agency's pre-retrofitting energy budget and that rise in proportion to any increase in the agency's overall budget for the duration of the performance contract or project payment term.

Your Committees believe that greater oversight over funds used for energy efficiency and renewable energy system retrofitting is needed to ensure that taxpayer monies are used appropriately. However, your Committees also believe that in order for the State to be more energy efficient, there should exist an incentive for agencies to become more energy efficient.

Accordingly, your Committees have amended this measure by:

- (1) Deleting language that would have authorized the Legislature to determine the amount of budget appropriations an agency performing energy efficiency or renewable energy system retrofitting may receive, including the proviso that an agency account for any costs for contracts or debt service for the implementation and management of the retrofitting; and
- (2) Specifying that an agency that performs energy efficiency or renewable energy system retrofitting may continue to receive budget appropriations for energy expenditures at an amount that equals any debt service or contract cost of the energy efficiency or renewable energy system retrofitting for the term of the contract, plus fifty percent of any additional cost savings for a term not to exceed an unspecified amount of years after the retrofit.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2498, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2498, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Keohokalole).

Government Operations: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

SCRep. 3664 Education on H.B. No. 1529

The purpose and intent of this measure is to allow student journalists at public schools to exercise freedom of speech and freedom of the press in school-sponsored media.

Your Committee received testimony in support of this measure from the Big Island Press Club, Society of Professional Journalists Hawaii Chapter, Student Press Law Center, Hawaii Publishers Association, All Hawaii News, and nineteen individuals. Your Committee received comments on this measure from the Department of Education.

Your Committee finds that preparing students to become engaged global citizens requires them to master the ability to think critically, communicate effectively, and take informed action. Student journalism is an important means of achieving these goals. These students should be allowed to learn journalism without unreasonable editorial constraints on their basic freedoms of speech and of press. General constraints and broad editorial censorship of the works of students based simply on the authority of the school must be tempered and regulated by specific rules designed to support the students' ability to tell the stories that matter to them, to their peers, and to their school community. This measure establishes a student free expression act to allow journalism students to exercise freedom of speech and freedom of press in school-sponsored media, limited only by very similar limitations imposed on professional journalists.

Your Committee has amended this measure by inserting an effective date of July 1, 2055, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1529, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1529, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 3665 Ways and Means on H.B. No. 2500

The purpose and intent of this measure is to adjust and make additional appropriations for the operating and capital budgets of executive branch agencies and programs.

Prior to decision making on this measure, your Committee made available for public review a proposed S.D. 1 of this measure. The proposed S.D. 1 deleted the contents of this measure and replaced it with language:

- (1) Finding that the debt limit of the State will be exceeded by the borrowing authorized by this measure;
- (2) Authorizing the issuance of general obligation bonds; and
- (3) Authorizing the issuance of instruments of indebtedness, which include federal Municipal Liquidity Facility instruments, to finance any permitted purpose under:
 - (A) The Supplemental Appropriations Act of 2020; and
 - (B) Section 13(3) of the Federal Reserve Act.

Your Committee received written comments in support of this measure from the Department of Budget and Finance, Hawaii Emergency Management Agency, Catholic Charities Hawaii, Hawaii Government Employees Association, Hawaii Youth Services Network, United Public Workers, and two individuals.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee received written comments on this measure from the Hawaii State Commission on the Status of Women, Kauai County Council, American Civil Liberties Union of Hawaii, Breastfeeding Hawaii, Common Cause Hawaii, Grassroot Institute of Hawaii, Hawaii Women's Coalition, Hamakua-Kohala Health, Midwives Alliance of Hawaii, Planned Parenthood Votes Northwest and Hawaii, Save Medicaid Hawaii, Zonta Club of Hilo, and numerous individuals.

Your Committee finds that the coronavirus disease 2019, or COVID-19, pandemic has created an unprecedented public health and economic crisis throughout the world. Your Committee also finds that although the borrowings authorized by this measure will allow the State to mitigate the effects of the COVID-19 pandemic on the State's economy, these borrowings exceed the State's debt limit. However, pursuant to Article VII, Section 13 of the Constitution of the State of Hawaii, the State's debt limit may be exceeded if the

Governor declares an emergency condition with which the Legislature concurs by a vote of two-thirds of the members of each chamber. Your Committee recognizes that on March 4, 2020, the Governor issued a proclamation declaring that the COVID-19 pandemic had created an emergency condition in the State. Your Committee notes that since this initial proclamation, the Governor has issued nine supplementary proclamations related to the COVID-19 pandemic. Additionally, your Committee recognizes that the Governor has requested that the Legislature concur with the Governor's declaration.

Your Committee has amended this measure by adopting the Proposed Draft and amending the Proposed Draft further by:

- (1) Clarifying the Legislature's intent regarding the utilization of federal Municipal Liquidity Facility instruments;
- (2) Changing the amount of general obligation bonds authorized in this measure from \$2,994,991,000 to \$3,073,991,000, and making conforming amendments throughout the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2500, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2500, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the President on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Harimoto, Inouye, Taniguchi).

SCRep. 3666 Public Safety, Intergovernmental, and Military Affairs on H.B. No. 1794

The purpose and intent of this measure is to extend the lapse date of the appropriations made by Act 12, Session Laws of Hawaii 2018, for the flooding disasters in the City and County of Honolulu and County of Kauai.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Emergency Management Agency, Hanalei Colony Resort, National Tropical Botanical Garden, Wai'oli Valley Taro Hui, one member of the Kaua'i County Council, and six individuals.

Your Committee finds that in April 2018, the County of Kauai and portions of the City and County of Honolulu suffered a disastrous occurrence of heavy rains and flooding that caused extensive damage throughout both counties. In response, the Legislature passed Act 12, Session Laws of Hawaii 2018 (Act 12), which provided funding to address the significant damage done to the City and County of Honolulu and County of Kauai. Your Committee finds that the funds that were provided in Act 12 that are unencumbered are scheduled to lapse on June 30, 2020. However, there are still ongoing flood response work projects that require additional time to be completed. This measure will extend the lapse date of unencumbered funds provided by Act 12 to continue flood response work projects in the City and County of Honolulu and County of Kauai.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1794, H.D. 2, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 3667 Energy, Economic Development, and Tourism on H.B. No. 1820

The purpose and intent of this measure is to amend the nominating authority of the representatives of the Heeia Community Development District, Kalaeloa Community Development District, and Kakaako Community Development District that serve on the Hawaii Community Development Authority.

Your Committee received no testimony for this measure.

Your Committee finds that the Hawaii Community Development Authority is the state agency with jurisdiction over all community development districts in the State. Your Committee further finds that under existing law, the nominating authority for community development district representatives on the Hawaii Community Development Authority is vested in the county councils. This allowed county council members who are not representatives of certain community development districts to have authority to influence the removal and selection of members of the Hawaii Community Development Authority Board. Your Committee believes that as the community development districts are under the direction of the Hawaii Community Development Authority, a state agency, the authority to nominate members to the board should be assigned to state representatives. This measure will authorize the appropriate state representatives to nominate board members, who will in turn represent each community development district, to the Hawaii Community Development Authority Board.

Your Committee also finds that Act 268, Session Laws of Hawaii 2019, established the Stadium Development District and transferred the duties and powers of the Stadium Authority regarding the development of the Stadium Development District to the Hawaii Community Development Authority. Your Committee believes that there are certain responsibilities and duties that should remain under the jurisdiction of the Stadium Authority.

Accordingly, your Committee has amended this measure by:

- (1) Providing that the Hawaii Community Development Authority shall not have jurisdiction over the development of lands under the jurisdiction of the Stadium Authority, unless authorized by the Stadium Authority;
- (2) Repealing statutory provisions relating to the Stadium Development District;
- (3) Amending Act 268, Session Laws of Hawaii 2019 (Act 268), by:

- (A) Making the Stadium Authority, rather than the Hawaii Community Development District Authority, responsible for expending the general funds and general obligation bond proceeds appropriated by Act 268; and
- (B) Authorizing the Stadium Authority, rather than the Hawaii Community Development Authority, to issue the revenue bonds authorized by Act 268, and providing for the deposited of the revenue bond proceeds into an unspecified fund, rather than the Hawaii community development revolving fund;
- (4) Making this measure effective upon its approval; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1820, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1820, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Inouye, Keohokalole).

SCRep. 3668 Energy, Economic Development, and Tourism on H.B. No. 1912

The purpose and intent of this measure is to:

- (1) Establish the Pacific International Space Center for Exploration Systems within the Department of Business, Economic Development, and Tourism for administrative purposes;
- (2) Amend the composition of the Board of Directors of the Pacific International Space Center for Exploration Systems;
- (3) Create and appropriate funds for an unspecified amount of exempt positions within the Pacific International Space Center for Exploration Systems; and
- (4) Transfer the rights, powers, functions, and duties of the Pacific International Space Center for Exploration Systems from the Research Corporation of the University of Hawaii to the Department of Business, Economic Development, and Tourism.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Pacific International Space Center for Exploration Systems; Oceanit Laboratories, Inc.; and sixteen individuals.

Your Committee finds that Hawaii plays an important role in the development of the aerospace industry, given Hawaii's location and resident expertise in a broad range of aerospace-related technologies. The Pacific International Space Center for Exploration Systems (PISCES) is currently administratively attached to the Office of Aerospace Development within the Department of Business, Economic Development, and Tourism. Your Committee further finds that PISCES is entering a period of transition in which it will be making modifications to move from contracting with the Research Corporation of the University of Hawaii for operational matters to having operational services provided by the Department of Business, Economic Development, and Tourism. This measure will make the necessary adjustments and modifications that will enable the transition to the Department of Business, Economic Development, and Tourism to allow the program to continue to operate.

Your Committee has amended this measure by:

- (1) Deleting the unspecified appropriation for an unspecified amount of full-time equivalent employees within the Pacific International Space Center for Exploration Systems;
- (2) Making this measure effective upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1912, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1912, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Inouye, Keohokalole).

SCRep. 3669 Energy, Economic Development, and Tourism on H.B. No. 2366

The purpose and intent of this measure is to:

- (1) Repeal the misdemeanor penalty for failing to obtain a transient accommodations tax registration identification number and replace it with a monetary fine;
- (2) Apply personal liability for certain controlling officers;
- (3) Replace the term "operator or plan manager" with "person" or "taxpayer";
- (4) Broaden the definition of "operator"; and
- (5) Repeal references to filing of returns and remittance of payments to specific taxation districts.

Your Committee received testimony in support of this measure from the Department of Taxation. Your Committee received comments on this measure from the Tax Foundation of Hawaii.

Your Committee finds that many provisions in the transient accommodations tax law are outdated and must be updated to ensure the proper administration of the transient accommodations tax. This measure addresses discrepancies in the transient accommodations tax law due to outdated law, conforms the law to recent changes, and clarifies other provisions to ease administration for the Department of Taxation.

Your Committee has amended this measure by:

- (1) Specifying that the definition of “gross rental” or “gross rental proceeds” shall not be construed to include the fees earned by a hotel, hotel-condominium, or condominium-hotel acting as the managing or rental agent for an operator or owner;
- (2) Exempting a hotel, hotel-condominium, or condominium-hotel, regardless if it is a transient accommodations broker, travel agency, and tour packager or not, that is acting as a managing or rental agent for an operator or owner from transient accommodation tax certificate of registration requirements; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Energy, Economic Development, and Tourism that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2366, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2366, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Inouye, Keohokalole).

SCRep. 3670 (Joint) Government Operations and Energy, Economic Development, and Tourism and Transportation on H.B. No. 2699

The purpose and intent of this measure is to establish clean ground transportation goals for the State, with the ultimate goal of all light-duty state-owned motor vehicles running on clean energy by December 31, 2035, and all light-duty motor vehicles in the State running on clean energy by December 31, 2045.

Your Committees received testimony in support of this measure from Hawaii State Energy Office; Hawaii Climate Change Mitigation and Adaption Commission; Department of Transportation; Hawaiian Electric Company, Inc.; Ulupono Initiative; Pono Hawai'i Initiative; Climate Protectors Coalition; 350Hawaii; Hawaii Electric Vehicle Association; Elemental Excelerator; Blue Planet Foundation; Sierra Club of Hawai'i; Healthy Climate Communities; Imua Alliance; Pacific Biodiesel Technologies; KauaiEV; and thirty-two individuals. Your Committees received testimony in opposition to this measure from Hawaii Automobile Dealers Association and one individual. Your Committees received comments on this measure from the State Procurement Office, Tesla, and Alliance for Automotive Innovation.

Your Committees find that government support for zero emission vehicles, charging infrastructure, and alternative fuel deployment is essential to the overall transition to cleaner transportation. Your Committees further find that as leaders in transportation planning, state agencies can facilitate these opportunities for fleet electrification. According to testimony received by your Committees, the Department of Transportation, in collaboration with the Hawaii State Energy Office is currently working towards the electrification of transportation to meet the timelines of the State's clean transportation goals.

Your Committees have amended this measure by:

- (1) Amending the climate change mitigation and clean ground transportation goals of the State to attain a goal of all the State fleet light-duty motor vehicles to be one hundred percent powered by renewable sources by December 1, 2035; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations, Energy, Economic Development, and Tourism, and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2699, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2699, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Government Operations: Ayes, 3. Noes, none. Excused, 2 (Baker, Fevella).

Energy, Economic Development, and Tourism: Ayes, 3. Noes, none. Excused, 2 (Inouye, Keohokalole).

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3671 Higher Education on H.B. No. 2091

The purpose and intent of this measure is to allow the University of Hawaii to conduct criminal history record checks on current or prospective employees, and contractors and their employees whose duties include ensuring the security of campus facilities and persons.

Your Committee received testimony in support of this measure from the University of Hawai'i System and two individuals.

Your Committee finds that the University of Hawai'i System's on-campus residences and functions require public safety employees to patrol the areas at night. Because these public safety employees are civil service employees, the Department of Human Resource Development has historically performed background checks. However, this measure would allow the University to also conduct background checks to expedite hiring of employees and contractors providing security services. Your Committee received comments on this measure from the University stating that the inclusion of language allowing “its designee” to conduct background checks was found to be unnecessary to authorize the use third parties to conduct the background checks on behalf of the University.

Accordingly, your Committee has amended this measure by:

- (1) Deleting the language authorizing “its designee” to conduct background checks; and
- (2) Making it effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2091, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2091, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kahele).

SCRep. 3672 Higher Education on H.B. No. 2257

The purpose and intent of this measure is to transfer the authority to expend monies from the University of Hawaii at Hilo Conference Center Revolving Fund to the Chancellor of the University of Hawaii at Hilo and expand the scope of the fund to all University of Hawaii at Hilo conference center programs. This measure would also require the Chancellor to report income and expenditures annually to the Legislature.

Your Committee received testimony in support of this measure from University of Hawai'i System and one individual.

Your Committee has amended this measure by making it effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2257, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2257, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Kahele).

SCRep. 3673 (Joint) Education and Higher Education on H.B. No. 2603

The purpose and intent of this measure is to:

- (1) Require the Department of Education to establish a pilot program that provides grants for high school students enrolled in a career academy program to enroll in college courses through the Running Start program or other similar programs that allow students to earn college credits that are applicable to the requirements for a career discipline of high need, including teaching;
- (2) Appropriate funds for the pilot program;
- (3) Expand the eligibility criteria for the Hawaii Educator Loan Program to include students who have graduated from a career academy; provided that the loan recipient agrees to teach for three years at a public school in the State;
- (4) Appropriate funds into and out of the Hawaii Educator Loan Program revolving fund; and
- (5) Require reports to the Legislature.

Your Committees received testimony in support of this measure from the University of Hawaii, Waipahu High School, and two individuals. Your Committees received comments on this measure from the Department of Education, Executive Office of Early Learning, and Early Learning Board.

Your Committees find that this measure will help provide a firm foundation for teacher preparation and deliver high-quality professional opportunities to high school students in high-demand career fields. In school year 2019-2020, fourteen public high schools offered the Career and Technical Education (CTE) Public and Human Services Pathway. The Department of Education is committed to increasing participation in this program in academy and comprehensive high schools to enlarge the pool of future educators. Your Committees further find that expanding the eligibility of students for this pilot program to include those who graduate from CTE and CTE-oriented programs at any of the department's high schools, rather than limiting eligibility to schools with career academies, will help prevent disruption in key occupational sectors and is essential to the overall welfare of the State's economy.

Your Committees have amended this measure by:

- (1) Defining career and technical education;
- (2) Expanding the scope of the pilot program to include schools with CTE or CTE-focused academy pathways focused on renewable energy and related industries;
- (3) Inserting language into the preamble to demonstrate the Legislature's intent to expand the pilot program to include CTE programs; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Education and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2603, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2603, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
Education: Ayes, 3. Noes, none. Excused, 2 (Dela Cruz, Kanuha).
Higher Education: Ayes, 3. Noes, none. Excused, 2 (Kahele, Keith-Agaran).

SCRep. 3674 Commerce, Consumer Protection, and Health on H.B. No. 2425

The purpose and intent of this measure is to:

- (1) Amend the definition of “domestic abuse” under Hawaii’s insurance laws and laws relating to domestic abuse protective orders to include coercive control between family or household members; and
- (2) Define “coercive control.”

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by inserting an effective date of upon its approval.

Your Committee received testimony in support of this measure or the proposed S.D. 1 from the Hawaii State Coalition Against Domestic Violence, Domestic Violence Action Center, Parents and Children Together, Hawaii Psychological Association, and twelve individuals.

Your Committee finds that there are various coercive and manipulating tactics that can be used to harass or control domestic partners, and many victims in Hawaii are abused without physical proof, which can limit their access to protective orders because the abuse may not meet the current statutory definition. By amending the State’s legal definition of “domestic abuse” to include “coercive control”, victims of non-physical domestic violence can be more empowered to pursue legal protections from their abusers. In light of the recent increase in domestic abuse cases reported during the COVID-19 pandemic, this measure expands the definition of domestic abuse to include “coercive control” so that survivors who have been victimized in other ways, such as their abuser isolating them from friends and family, restricting access to funds, or monitoring activities or communications, can gain more access to legal protections for themselves and their loved ones.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2425, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2425, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Chang).

SCRep. 3675 Human Services on H.B. No. 1978

The purpose and intent of this measure is to grant the family court jurisdiction in proceedings concerning the custody or guardianship of an immigrant child pursuant to a motion for Special Immigrant Juvenile factual findings requesting a determination that the child was abused, neglected, or abandoned before the age of eighteen, as required under the federal Immigration and Nationality Act.

Your Committee received testimony in support of this measure from the Hawaii State Judiciary; Department of Human Services; and five individuals.

Your Committee finds that federal law provides protections to individuals classified as special immigrant juveniles and consistent with the practices of other states, the State may assist individuals in claiming special immigrant juvenile status by clarifying that family court has jurisdiction over unmarried individuals under twenty-one years of age for purposes of awarding custody or guardianship pursuant to a motion for factual findings within the meaning of the Immigration and Nationality Act, Title 8 United States Code section 1101(a)(27)(J).

This measure is consistent with the federal Immigration and Nationality Act and will promote the State’s ability to protect immigrant children.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1978, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Signed by the President on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3676 (Majority) Human Services on H.B. No. 1942

The purpose and intent of this measure is to add commercial film and photographic print or image processors, commercial computer technicians, members of the clergy, and administrators and employees of any public or private organization whose duties require direct contact with or supervision of children to the list of persons who are required to report child abuse or neglect.

Your Committee received testimony in support of this measure from the Hawaii Youth Services Network, IMUAlliance, Parents and Children Together, and two individuals. Your Committee received testimony in opposition to this measure from the Department of Human Services.

Your Committee finds that existing law mandates professionals working in fields such as medicine, law enforcement, and social services to report instances of child abuse or neglect. Your Committee further finds that as sexual exploitation of minors continues to occur online, to protect children from exploitation and abuse, computer technicians should be required to report to law enforcement any computer files containing child pornography. Additionally, your Committee finds that approximately 26 states currently include members of the clergy among those professionals specifically mandated by law to report known or suspected instances of child abuse; however, Hawaii law does not include members of the clergy as mandatory reporters.

Your Committee recognizes that amending the State's child abuse and neglect mandated reporting law to include commercial computer technicians, commercial film and photographic print or image processors, and members of the clergy as mandated reporters will provide greater protection and intervention for children who are or may be at risk of maltreatment. However, your Committee has heard the concerns of the Department of Human Services that this measure, as drafted, may cause confusion and further delay reporting of suspected child abuse and neglect.

Accordingly, your Committee has amended this measure by:

- (1) Inserting a definition for electronic media that allows for broad interpretation as a result of rapid growth and future development;
- (2) Deleting language that is inconsistent with Hawaii Rules of Evidence that may result in an extension of privileges in the context of child abuse and neglect cases that will not serve the stated purpose of the measure to update Hawaii's child abuse and neglect mandated reporting;
- (3) Relocating the transition period provision to a separate section at the end of the bill for ease of exclusion from statute without destroying the context and continuity of the permanent provisions;
- (4) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee is mindful and compassionate that in the doctrine of some faiths, clergy must maintain the confidentiality of pastoral communications. This privilege, however, is not absolute. The purpose of mandated reporting law is to protect minors adversely affected by abuse or neglect, the intention of reporting of such cases serves as a safeguard and an effort to prevent further abuses. Finally, your Committee finds that this issue raises concerns that merit further consideration and requests that your Committee on the Judiciary further examine those issues and concerns raised relating to this issue.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1942, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1942, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the President on behalf of the Committee.

Ayes, 3; Ayes with Reservations (Ihara). Noes, 2 (Riviere, Fevella). Excused, none.

SCRep. 3677 (Joint) Agriculture and Environment and Water and Land on H.B. No. 1878

The purpose and intent of this measure is to require that mandatory seller disclosures in residential real property transactions identify property within the sea level rise exposure area as officially designated by the Hawaii Climate Change Mitigation and Adaption Commission or its successor.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Hawaii Climate Change Mitigation and Adaption Commission, one member of the Maui County Council, Sierra Club of Hawai'i, Pono Hawai'i Initiative, Hawaii Youth Climate Coalition, IMUAlliance, and six individuals. Your Committees received testimony in opposition to this measure from the Hawai'i Association of Realtors.

Your Committees find that current sea level rise exposure area maps make it difficult to determine which properties are subject to disclosure given that there are no maps with tax map keys that identify these sea level rise exposure areas (SLR-XAs). Your Committees further find that the Hawaii Climate Change Mitigation and Adaption Commission (Commission) is currently working with the University of Hawaii to update SLR-XA maps with tax map key information for the Counties.

Your Committees have amended this measure by:

- (1) Requiring that SLR-XA sea level rise maps be updated to reference current tax map keys before the Commission can designate areas with potential exposure to sea level rise as such;
- (2) Making it effective on January 1, 2021 upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1878, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1878, H.D. 1, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

Water and Land: Ayes, 5. Noes, none. Excused, none.

SCRep. 3678 (Joint) Agriculture and Environment and Commerce, Consumer Protection, and Health on H.B. No. 1819

The purpose and intent of this measure is to:

- (1) Require the Chairperson of the Board of Agriculture to seek approval from the United States Department of Agriculture of a state plan to monitor and regulate hemp;
- (2) Establish a statutory framework for the state Department of Agriculture to monitor and regulate hemp;
- (3) Establish and provide temporary legislative funding for a Hemp Regulatory Special Fund;

- (4) Exclude hemp from the State's prohibitions against marijuana;
- (5) Expedite the repeal of the existing Industrial Hemp Pilot Program; and
- (6) Appropriate funds to the:
 - (A) Department of Agriculture for the monitoring and regulation of hemp production; and
 - (B) College of Tropical Agriculture and Human Resources at the University of Hawaii at Manoa for hemp research.

Prior to the hearing on this measure, your Committees posted and made available for public review a proposed SD1, dated June 24, 2020, which amends this measure by:

- (1) Allowing hemp farmers in Hawaii to apply directly to the United States Department of Agriculture for licensure, instead of a state hemp program under the Hawaii Department of Agriculture, as it requires staffing and resources;
- (2) Forbidding the production of smokable hemp products and its addition to food;
- (3) Making it effective on July 1, 2020 with a repeal date of June 30, 2022; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees received testimony in support of this measure from Department of Agriculture; Department of Health; University of Hawai'i System; Hawai'i Hemp Farmers Association; Hawaii Farmers Union United; U.S. Hemp Roundtable; Hawaii Farm Bureau; Arcadia Biosciences; Hawaiian Fuinki LLC; JCOR Distro; Hawaii Cannabis Care; Steep Hill Hawaii; ABC Stores; Hawaiian Choice; Intellectual AG LLC; Power Distribution LLC; Global Widget, LLC; EcoTipping Points Project; Tropical Sunset Farms LLC; Bric-A-Brac, Inc.; Legacy Partners Hawai'i; Pan Pacific Ventures, LP; Omaopio/Piliwale Ohana; Omao Lands/Omao Labs; Hawaii Food Industry Association; Down to Earth Organic and Natural; and thirty-one individuals. Your Committees received testimony in opposition to this measure from Khandro Farm and eleven individuals. Your Committees received comments on this measure from the Department of Budget and Finance, Maui Police Department, Akamai Cannabis Clinic, and three individuals.

Your Committees find that with the economic impact to our State caused by the COVID-19 pandemic, for consideration, this measure must have no fiscal impact to the state budget.

Your Committees note that the proposed S.D. 1 sufficiently considers the concerns of the Department of Agriculture, Department of Health, Department of Public Safety, and Department of the Attorney General.

Although your Committees recognize that there are further concerns about the smells and noises from hemp farming, along with calls to limit the acreage of hemp production, your Committees believe that the State should be looking at ways to invest locally and diversify our economy at this time. Therefore, your Committees have further amended the proposed measure by:

- (1) Reducing the buffer zone requirement for hemp processing from 1,000 feet to 500 feet from pre-existing playgrounds, schools, state parks, state recreation areas, residential neighborhoods, hospitals, or daycare facilities;
- (2) Reducing the buffer zone requirement for hemp production from 750 feet to 500 feet from pre-existing real property comprising a playground, childcare facility, or school; and
- (3) Increasing the buffer zone for hemp production from 250 feet to 500 feet from any pre-existing house, dwelling unit, residential apartment, or other residential structure that is not owned or controlled by a license holder; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1819, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1819, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Fevella).

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 3679 Commerce, Consumer Protection, and Health on H.B. No. 2317

The purpose and intent of this measure is to protect elders and vulnerable adults from financial exploitation in relation to securities.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by inserting an effective date of upon its approval.

Your Committee received testimony in support of this measure or the proposed S.D. 1 from the Department of Commerce and Consumer Affairs, Department of Human Services, Securities Industry Association of Hawaii, Securities Industry and Financial Markets Association, and one individual. Your Committee received comments on the proposed S.D. 1 from the Office of Information Practices.

Your Committee finds that Americans lose approximately \$2.9 billion annually in media-reported cases of financial exploitation. Furthermore, it is estimated that only one out of every forty-four instances of financial abuse is reported to the authorities, much less the media. The financial exploitation of the elderly and vulnerable adults has steadily increased during the COVID-19 pandemic, and the financial consequences for those who fall victim to financial exploitations are often devastating and irreparable, and can include loss of independence, a reduced quality of life, and even death. This measure reflects consensus language between various stakeholders to strengthen efforts to address financial exploitation and to help protect vulnerable adults and our kupuna.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending this measure by:

- (1) Clarifying that “financial exploitation” includes converting money, assets, or property of the elder or the vulnerable adult to deprive the elder or the vulnerable adult of the ownership, use, benefit, or possession of the elder’s or the vulnerable adult’s money, assets, or property;
- (2) Clarifying that all records made available pursuant to the provisions of this measure shall be exempt from disclosure under chapter 92F; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2317, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2317, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Chang).

SCRep. 3680 Water and Land on H.B. No. 1880

The purpose and intent of this measure is to appropriate funds to the Department of Land and Natural Resources for the operations of the Kahoolawe Island Reserve Commission and for two full-time equivalent positions to support the Commission.

Your Committee received testimony in support of this measure from one member of Maui County Council, the County of Maui, Kahoolawe Island Reserve Commission, EcoTipping Points Project, and thirty individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from one individual.

Your Committee finds that additional funding and personnel are needed to support the operations of the Kahoolawe Island Reserve Commission. The Commission was established by the Legislature in 1993 to address ecological and environmental damage caused to Kahoolawe by United States Navy live fire training exercises. Your Committee recognizes the significant cultural and historical importance of Kahoolawe to the native people of Hawaii. This measure will appropriate additional funding for the operations of the Kahoolawe Island Reserve Commission to support the Commission’s efforts to restore the island, protect endangered and rare flora and fauna, and ensure the safety of visitors to the Kahoolawe island reserve.

Your Committee heard testimony from the Kahoolawe Island Reserve Commission regarding the February 2020 fire on Kahoolawe and the damage caused to equipment and facilities on the island.

Accordingly, your Committee has amended this measure by:

- (1) Incorporating the recommendations from the Kahoolawe Island Reserve Commission by making an additional appropriation to the Commission for specified fire recovery efforts;
- (2) Amending section 1 to reflect its amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1880, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1880, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 3681 Water and Land on H.B. No. 2033

The purpose and intent of this measure is to appropriate funds to the Department of Land and Natural Resources’ Division of Forestry and Wildlife (DOFAW) to purchase firefighting equipment.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and two individuals.

Your Committee finds that DOFAW is the primary responder for wildland fires across over one million acres of forested watershed lands and co-responds with federal and county agencies on additional lands in the State. In addition to wildfire suppression, DOFAW serves as part of the State Emergency Response Team to address other emergencies and disasters, such as hurricanes and lava events. Specialized equipment in good working order is essential for DOFAW’s success in safely responding to such emergencies throughout the State. This measure appropriates funding for fire and emergency response equipment.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2033, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 3682 Water and Land on H.B. No. 2036

The purpose and intent of this measure is to establish the Ocean Coral Restoration Project to require the Department of Land and Natural Resources to plan and design an expansion of the Coral Restoration Nursery, including improvements to the sea urchin hatchery.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, University of Hawai'i System, Friends of Hanauma Bay, Hawaii Reef and Ocean Coalition, and one individual.

Your Committee finds that in recent years, coral reefs in Hawaii have experienced widespread bleaching and mortality events due to warmer than average ocean temperatures. Coral reefs face pressures from rising ocean temperatures and ocean acidification as temperatures warm. In Hawaii and across the Pacific, coral reef ecosystems provide jobs and opportunities for recreation, contribute greatly to tourism, support subsistence fishermen and their families, and provide the vitally important function of protecting vulnerable coastlines. Disappearing coral reefs result in significant economic losses, as well as damaging ecological and social impacts.

Your Committee further finds that the Hawaii Division of Aquatic Resources Coral Restoration Nursery is working to mitigate human impacts on Hawaiian coral reefs by growing indigenous corals in an ex-situ environment, and out-planting nursery-grown corals to restore valuable habitat. The nursery aims to place healthy coral into the ocean as soon as possible in areas where it is most needed after experiencing significant damage or losses. This measure establishes the Ocean Coral Restoration Project to expand the Coral Restoration Nursery and help recover and protect the State's reef ecosystem.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2036, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 3683 Water and Land on H.B. No. 2211

The purpose and intent of this measure is to:

- (1) Require the Department of Land and Natural Resources to issue commercial marine licenses;
- (2) Provide that a single commercial marine vessel license satisfies the licensure requirement for all persons aboard the licensed vessel; and
- (3) Require any person who provides fishing charter services to obtain a commercial marine license.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Lokahi Fishing, LLC; Protecting Coral Reef Wildlife for the Fishes; Moana Ohana; Friends of Hanauma Bay; Center for Biological Diversity; Hawai'i Reef Ocean Coalition; Waialua Boat Club; HFACT; Hawaii Goes Fishing; Hawaii Longline Association; Tropic Fish Hawaii LLC; Fresh Island Fish Co.; and twelve individuals. Your Committee received testimony in opposition to this measure from Earthjustice. Your Committee received comments on this measure from the Sierra Club Hawai'i.

Your Committee finds that existing commercial marine license laws prove burdensome for many small-scale commercial fishers. Your Committee also finds that there exists confusion as to whether shore-based fishing charters are required to obtain a commercial marine license. This measure addresses both issues by simplifying the commercial marine licensure requirements to clarify that a commercial marine license is required for all taking of marine life for commercial purposes and that a single commercial marine license is sufficient to cover the fishing activities of all persons aboard a validly-licensed vessel.

Your Committee has amended this measure by:

- (1) Removing the requirement that the Department of Land and Natural Resources issue commercial marine licenses for the taking of marine life for commercial purposes and making conforming amendments; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2211, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2211, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 3684 Water and Land on H.B. No. 2207

The purpose and intent of this measure is to:

- (1) Require the Office of Planning to conduct a land use study for Hauula, Oahu, that assesses the viability and cost of maintaining the transit corridor; and
- (2) Appropriate funds.

Your Committee received testimony in support of this measure from the Department of Transportation and Office of Planning.

Your Committee finds that climate change is the overriding challenge of the twenty-first century and one of the top priority issues of the Legislature. Your Committee further finds that eroding coastlines threaten Hawaii's assets that serve as critical infrastructure, including the State's highway system. One key piece of road infrastructure facing the challenges of climate change is the coastal highways in Hauula. The Department of Transportation has had to conduct emergency repairs along portions of the coastal highways

in Hauula in April 2019, and again in January 2020. Mid-term and long-term solutions must be identified to ensure the public has access to safe, efficient, and sustainable transit corridors, such as the highways in Hauula. This measure will begin to identify climate adaptation strategy options that address the impacts of coastal erosion on coastal highways by authorizing the Office of Planning to conduct a land use study for Hauula that assess the viability and cost of maintaining its highways.

Your Committee has amended this measure by inserting a \$250,000 appropriation amount.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2207, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2207, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 3685 Water and Land on H.B. No. 2484

The purpose and intent of this measure is to appropriate funds to the Department of Land and Natural Resources to purchase ocean safety and rescue equipment for state ocean safety officers at state parks.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, City and County of Honolulu's Ocean Safety and Lifeguard Services Division, Kohala Coast Resort Association, Hawaiian Lifeguard Association, MCBH Kaneohe Bay Beach Lifeguard Department, Friend of Hanauma Bay, and nine individuals.

Your Committee finds that state ocean safety officers, also known as lifeguards, act as the primary responders for emergencies on shorelines and within nearshore waters at state parks, where the majority of ocean recreational activities take place. These ocean safety officers provide injury control and dispatch ocean rescue services to prevent drownings. This measure will appropriate funds for the Department of Land and Natural Resources to purchase essential equipment for state ocean safety officers so that they can continue to ensure public safety at Hawaii's state parks.

Your Committee has amended this measure by:

- (1) Incorporating amendments proposed by the Department of Land and Natural Resources by inserting the appropriation amounts for the purchase of ocean safety and rescue equipment for state ocean safety officers at state parks; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2484, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2484, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 3686 Water and Land on H.B. No. 2591

The purpose and intent of this measure is to appropriate funds to the Department of Land and Natural Resources to undertake the comprehensive stakeholder engagement process and adaptive management strategies associated with the Marine 30x30 Initiative.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Friends of Hanauma Bay, West Hawai'i Fishery Council, and one individual.

Your Committee finds that the Marine 30x30 Initiative, the State's commitment to effectively manage thirty percent of Hawaii's nearshore waters by 2030, was announced by Governor David Ige on September 1, 2016, at the International Union for Conservation of Nature World Conservation Congress in Hawaii, as part of the Sustainable Hawaii Initiative. Led by the Division of Aquatic Resources, the Marine 30x30 Initiative includes strategies to reevaluate and update statewide fishing regulations and establish a statewide network of marine managed areas encompassing thirty percent of the State's nearshore waters. Successful development and implementation of these strategies hinge on effective public outreach and a fair and transparent input process for stakeholders, including statewide public hearings and concentrated scoping workshops in communities where marine managed areas are proposed. Management plans will be developed to establish clear management goals, measure effectiveness, and inform ongoing adaptive management. This measure provides resources to help the Marine 30x30 Initiative to balance sustainable use with restoration and conservation to benefit local communities now and in the future.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2591, H.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 3687 Water and Land on H.B. No. 2739

The purpose and intent of this measure is to:

- (1) Transfer specified lands to the Department of Land and Natural Resources and establish that land and adjacent, state-owned land as the Ka Iwi coast state park; and
- (2) Appropriate funds.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Livable Hawaii Kai Hui, Hawaii Kai Neighborhood Board, Friends of Hanauma Bay, Ka Iwi Coalition, and five individuals.

Your Committee finds that the lands of the Ka Iwi coast are an invaluable natural asset for the people of Hawaii. Your Committee further finds that growing interest in this area has brought a rapid increase in visitors, and without proper management the area will become overrun by invasive species or become subject to future development. This measure protects the lands of the Ka Iwi coast in perpetuity by establishing the Ka Iwi Coast State Park for the benefit of local residents and future generations.

Your Committee has amended this measure by:

- (1) Incorporating the recommendations from the Department of Land and Natural Resources by specifying the correct tax map key numbers; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2739, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2739, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 3688 Commerce, Consumer Protection, and Health on H.B. No. 2502

The purpose and intent of this measure is to require the State Health Planning and Development Agency to consider the relationship to the existing health care system of an area, including workforce availability, as part of its certificate of need review.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which deletes the contents of this measure and inserts language that:

- (1) Authorizes the Department of Health to screen, test, and monitor travelers entering the State, under certain conditions;
- (2) Provides for penalties for noncompliance;
- (3) Amends and adds definitions and procedural and administrative provisions to chapter 325, Hawaii Revised Statutes;
- (4) Establishes a travelers screening special fund;
- (5) Allocates funds from transient accommodations tax revenues into the travelers screening special fund; and
- (6) Appropriates funds for the purposes of the travelers screening special fund.

Your Committee received testimony in support of the proposed S.D. 1 from the Department of Health, Hawai'i Lodging and Tourism Association, Hawai'i Nurses' Association, Hawai'i Primary Care Association, Hawai'i – American Nurses Association, and more than a dozen individuals. Your Committee received testimony in opposition to the proposed S.D. 1 from one member of the Kaua'i County Council; Hawaii For Informed Consent; Ho'opae Pono Peace Project; The Wellbeing Manager; Ka Lei Papahi Kakuihewa; Calvary Chapel Pearl Harbor; Tristar Restaurant Group; North Shore Christian Fellowship; We Are One, Inc.; Accessing Health; Global Ecology Foundation; Yogarden LLC; Green Lifestyles Network; Ocean Tourism Coalition; Go Green Solutions; North Shore Livestock; Pohaku Nui Ranch; Conscious Commerce Coalition; Universal Life Church; Visayas Capital Group; Sailing Maui Inc.; RK Ventures; The Dharma Sanctuary; Aloha Condos, Inc.; Kapono Builders; The Aloha Revolution; Soul Surfer and Company LLC; Keepyourrights.org; Sacred Health Arts LLC; The Sanctuary Christian Fellowship; Laakea Community LLC; Sacred Wisdom Healing Arts; and numerous individuals. Your Committee received comments on the proposed S.D. 1 from the Grassroot Institute of Hawaii and several individuals.

Your Committee finds that the State's experience with the COVID-19 pandemic demonstrates the need for preparation, flexibility, and quick action in the face of ongoing or new risks presented by outbreaks of communicable or dangerous diseases in the State or in other parts of the world. The State has learned from experience that a screening process for travelers is a key component in the containment or mitigation of the spread of disease. This measure serves to enhance the tools available to the State in its effort to contain or mitigate the spread of communicable or dangerous diseases, to enable the use of these tools without a governor's emergency proclamation, and to make the containment or mitigation effort more efficient and flexible to protect the public health and safety. Furthermore, your Committee finds that the contents of this measure do not mandate universal immunization.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Clarifying that the Director of Health may declare a public health emergency only after consulting with and obtaining authorization from the Governor;
- (2) Specifying administrative rulemaking deadlines for the Department of Health;
- (3) Deleting language that would have allocated transient accommodations tax revenues into the travelers screening special fund;
- (4) Inserting language that repeals the statutory prohibitions on the use of telephone services as part of telehealth coverage, under certain conditions;
- (5) Inserting an effective date of July 1, 2050, to encourage further discussion;
- (6) Inserting a sunset date of June 30, 2025, for certain provisions; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that the purpose of including a sunset provision in this measure is to ensure that this measure receives legislative review at a future time when there is no longer a pandemic.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2502, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2502, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Ruderman). Noes, none. Excused, 3 (Chang, Wakai, Fevella).

SCRep. 3689 (Joint) Commerce, Consumer Protection, and Health and Technology on H.B. No. 2572

The purpose and intent of this measure is to:

- (1) Modernize the definition of “personal information” for the purposes of security breach of personal information law;
- (2) Prohibit the sale of geolocation information and internet browser information without consent;
- (3) Amend provisions relating to electronic eavesdropping law; and
- (4) Prohibit certain manipulated images of individuals.

Prior to the hearing on this measure, your Committees posted and made available for public review a proposed S.D. 1, which amends this measure by:

- (1) Clarifying that the definition of “emergency” shall not include the spread of a bacteria or virus;
- (2) Deleting provisions that would have prohibited the sale of internet browser information without consent;
- (3) Deleting the definition of “electronically stored data”;
- (4) Deleting language that would have required law enforcement to obtain a search warrant before accessing a person’s electronic communications in non-exigent or non-consensual circumstances;
- (5) Deleting language that would have authorized government entities to request, and authorize courts to approve, the delay of notifications of law enforcement access to electronic communications up to the deadline to provide discovery in criminal cases;
- (6) Deleting language that would have prohibited the unauthorized use of deep fake technology;
- (7) Amending section 1 to reflect its amended purpose;
- (8) Inserting an effective date of upon its approval; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees received testimony in support of this measure or the proposed S.D. 1 from the Department of Commerce and Consumer Affairs, Department of the Prosecuting Attorney for the City and County of Honolulu, Office of Enterprise Technology Services, and four individuals. Your Committees received testimony in opposition to this measure or the proposed S.D. 1 from the Retail Merchants of Hawaii; CTIA; Charter Communications, Inc.; State Privacy & Security Coalition; Association of National Advertisers; American Association of Advertising Agencies; Interactive Advertising Bureau; Network Advertising Initiative; and the American Advertising Federation. Your Committees received comments on this measure or the proposed S.D. 1 from Hawaiian Electric, Hawaii Credit Union League, Hawaii Bankers Association, and RELX Group.

Your Committees find that businesses that collect or store data digitally have a responsibility to protect information that is sensitive, confidential, or identifiable from access by hackers. These businesses also have the responsibility to prevent data from being made available to criminals who engage in identity theft. As of 2018, all fifty states have data breach notification laws that prescribe when consumers must be notified that their personal information has been breached. Hawaii’s data breach notification law, which among other things defines the term “personal information”, was codified in 2006. While Hawaii was one of the first states to enact such a law, advancements in technology have made identity theft easier than it was nearly fifteen years ago. Businesses and government agencies now collect far more information, and bad actors are able to exploit vulnerabilities in computer databases for nefarious purposes and with increased frequency. In light of the increased digital activity users must engage in due to the COVID-19 pandemic, increased protections are necessary to safeguard Hawaii residents. This measure expands the definition of “personal information” to include various personal identifiers and data elements and enhances consumer protections involving privacy to align with legislation recently enacted in other jurisdictions.

Your Committees have heard the concerns raised in testimony that the proposed S.D. 1 eliminates certain portions of the H.D. 2, which in application were intended to help support the overall purpose of this measure and provide additional privacy protections for Hawaii residents in criminal cases. Furthermore, to the extent that the proposed S.D. 1 attempts to regulate COVID-19 contact tracing activities, amendments are necessary to establish principles that safeguard individuals’ privacy.

Accordingly, your Committees have amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Amending the definition for “identifier”;
- (2) Amending the definition for “specified data element”;
- (3) Clarifying that the definition for “personal information” means an identifier in combination with one or more specified data elements, when the specified data element or elements are not encrypted or otherwise rendered unreadable;

- (4) Amending the title of the new section being added to chapter 481B, Hawaii Revised Statutes, to read “Sale of contact tracing information without consent is prohibited”;
- (5) Clarifying that no person or state agency, in any manner, or by any means, shall sell or offer for sale contact tracing information that is recorded or controlled without the consent of the individual who is the primary user of the device or application;
- (6) Inserting language that clarifies the prohibition on the sale of contact tracing information without consent shall not apply to any activity involving the collection, maintenance, disclosure, sale, communication, or use of geolocation information to detect security incidents; protect against malicious, deceptive, fraudulent, or illegal activity; or to prosecute those responsible for that activity;
- (7) Amending the definitions for “consent”, “sale”, and “user”;
- (8) Inserting definitions for “contact tracing information” and “service provider”;
- (9) Deleting the definitions for “geolocation information”, “location-based application”, and “precise location”;
- (10) Removing references to “geolocation information” and replacing them with “contact tracing information”;
- (11) Restoring certain parts from H.B. No. 2572, H.D. 2, which:
 - (A) Inserts a definition for “electronically stored data”;
 - (B) Requires law enforcement to obtain a search warrant before accessing a person’s electronic communications in non-exigent or non-consensual circumstances;
 - (C) Authorizes government entities to request, and authorizes courts to approve, the delay of notifications of law enforcement access to electronic communications up to the deadline to provide discovery in criminal cases; and
 - (D) Prohibits the unauthorized use of deep fake technology;
- (12) Amending section 1 to reflect its amended purpose;
- (13) Inserting an effective date of September 1, 2020; provided that this measure shall repeal on September 1, 2025; and
- (14) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Technology that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2572, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2572, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chairs on behalf of the Committees.

Commerce, Consumer Protection, and Health: Ayes, 6. Noes, none. Excused, 1 (Wakai).

Technology: Ayes, 3. Noes, none. Excused, 2 (Moriwaki, Wakai).

SCRep. 3690 Education on H.B. No. 2543

The purpose and intent of this measure is to build the foundation to provide access to learning by the year 2030 to all children three to four years of age and children who will be eligible for kindergarten within two years.

This measure:

- (1) Establishes benchmarks for certain percentages of children three to four years of age and children who will be eligible for kindergarten within two years to have access to learning, with an ultimate goal of providing all of the children in that age group with access to learning by the year 2030;
- (2) Establishes the Learning to Grow Agency to coordinate and develop a state-wide early learning system;
- (3) Establishes a grant program for publicly or privately operated center-based programs to increase early learning opportunities;
- (4) Establishes a prekindergarten program to be administered by the Learning to Grow Agency;
- (5) Transfers the functions of the Executive Office on Early Learning to the Learning to Grow Agency;
- (6) Eliminates the Executive Office on Early Learning; and
- (7) Appropriates funds to the Learning to Grow Agency.

Your Committee received testimony in support of this measure from the Governor; Department of Human Services; Department of Education, Hawaii Teacher Standards Board; Hawaii State Public Library System; University of Hawaii Hilo; Early Learning Board; Partners in Development Foundation; HE'E Coalition; Bank of Hawaii; Hawaii Executive Collaborative; Aha Punana Leo, Inc.; Hawaii P-20 Partnerships for Education; Bank of Hawaii; Hawaii Community Foundation; Aloha United Way; Hawaii Pacific Health; Kamehameha Schools; Council for Native Hawaiian Advancement; Native Hawaiian Chamber of Commerce; Hawaii Kids Can; Papa Ola Lokahi; Bishop Museum; Iolani Palace; Native Hawaiian Education Council; INPEACE; The Queen’s Health Systems; Parents and Children Together; Goodwill; Chamber of Commerce Hawaii; Hawaii Children’s Action Networks Speaks!; Head Start Association of Hawaii; Legacy of Life; Early Childhood Action Strategy; Hawaii International Child; American Academy of Pediatrics, Hawaii Chapter; Hawaii Women Lawyers; Pacific Resource Partnership; Hawaii Association of Independent Schools; Le Jardin Academy; Hawaii Association for the Education of Young Children, the Salvation Army; Aloha Harvest; and numerous individuals. Your Committee received comments on this measure from Executive Office on Early Learning, Department of Education,

Department of Budget and Finance, Board of Education, State Public Charter School Commission, University of Hawaii System, State Public Charter Commission, the Democratic Party of Hawaii, Hawaii State Teachers Association, and one individual.

Your Committee finds that early childhood education builds a foundation for lifelong learning and is essential to the development of the State's youth. Your Committee further finds that over fifty percent of young children in Hawaii are not enrolled in nursery school, preschool, or kindergarten. Your Committee further finds that expanding access to early childhood learning programs will ensure that the children within the State will gain readiness to enter the K-12 school system.

Your Committee has amended this measure by:

- (1) Removing charter schools from the Executive Office on Early Learning Public Prekindergarten Program and inserting statutory language to provide guidelines on how prekindergarten under the State Public School Charter Commission will run;
- (2) Extending the amount of time for private childcare providers to obtain accreditation;
- (3) Allowing the Director of the Department of Human Services to grant accreditation deadline extensions on a case-by-case basis and approve accreditation from similar organizations not specified in the law;
- (4) Inserting a procurement exemption for the Department of Human Services to expand the Preschool Open Doors Program;
- (5) Clarifying that the Department of Human Services and Executive Office on Early Learning shall collaborate to identify the need for childcare and early learning in geographic regions of the State;
- (6) Changing the source of funding for appropriations to the Preschool Open Doors Program and Hawaiian language medium pre-kindergarten programs to various special funds, and removing all other appropriations from the General Fund;
- (7) Removing sections relating to the expansion of the Promise Program into the four-year university program;
- (8) Inserting effective dates to address the various programs, appropriations, and other components of the measure; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2543, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2543, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 3691 (Joint/Majority) Water and Land and Agriculture and Environment on H.B. No. 2035

The purpose and intent of this measure is to:

- (1) Require the Department of Land and Natural Resources to transfer to the Department of Agriculture specified non-agricultural park lands by a specified deadline;
- (2) Require the Department of Land and Natural Resources and Department of Agriculture to jointly report on the status of the land transfer; and
- (3) Amend the definition of "agricultural activities" used in chapter 166E, Hawaii Revised Statutes.

Your Committees received testimony in support of this measure from the Hawai'i Farm Bureau; Maui County Farm Bureau; Hawaii Cattlemen's Council, Inc.; McCandless Ranch; Ulupalakua Ranch; Ponooho Ranch Limited; Kealia Ranch; Kualoa Ranch; 4-J Livestock Co.; Land Use Research Foundation of Hawaii; Ulupono Initiative; Hawaii Aquaculture & Aquaponics Association; GreenWheel Food Hub; Local Food Coalition; Hawaii Meats LLC; Kapapala Ranch; Larry Jefts Farms, LLC; Hawaii Beef Producers; Na 'Aina Kai Botanicals Gardens; Ka'huku Farmers Inc; Tropical Flowers Express; HARC; Waihale Producers; The Brown Bottle; Kaupo Ranch, LTD; Hawaii Forest Industry; Agricultural Leadership Foundation of Hawaii; Corteva Agriscience; Matsuda-Fukuyama Farms; Hooluana Ranch; KRB LLC; Flowers Forever LLC; Hawaiian Music Walk of Fame; Equipment Team Hawaii; Mul Kern Landscaping & Nursery; Gay & Robinson, Inc.; Azevedo Farm; Nienie Ranch; Barbed S Ranch LLC; Parker Ranch; Hawaii Crop Improvement Association; and thirty-eight individuals. Your Committees received testimony in opposition to this measure from the Department of Land and Natural Resources; Office of Hawaiian Affairs; Environmental Caucus of the Democratic Party of Hawai'i; Hawaiian Affairs Caucus of the Democratic Party of Hawai'i; Young Progressives Demanding Action; Ke One O Kākuhihewa; KAHEA: The Hawaiian-Environmental Alliance; Hawai'i Alliance for Progressive Action; Association of Hawaiian Civic Clubs; Moku O Keawe; Maui Tomorrow Foundation, Inc.; Hawaii's Thousand Friends; Earthjustice; Sierra Club of Hawai'i; Conservation Council for Hawaii; PATH; Animal Rights Hawai'i; and forty-four individuals. Your Committees received comments on this measure from the Department of Transportation.

Your Committees find that Act 90, Session Laws of Hawaii 2003, was enacted and codified as chapter 166E, Hawaii Revised Statutes, to transfer certain non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture. Your Committees further find that many lessees, primarily farmers and ranchers, with large acreage of land have already been notified by the department of agriculture that their land leases were to be transferred to and managed by the Department of Agriculture. These transfers have yet to occur, leading to confusion and concern by the leaseholders. This measure will require the transfer to occur so that farmers and ranchers may invest in infrastructure on the leased lands to produce local food for the State.

Your Committees have amended this measure by:

- (1) Clarifying that as used in the definition of "agricultural activities", the care and production of livestock or livestock products includes the care and management of pasture land;

- (2) Deleting language that requires the transfer of certain non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture pursuant to Act 90, Session Laws of Hawaii 2003;
- (3) Inserting language to temporarily transfer certain limited parcels of land that have been identified as having the highest and best current and future use for livestock production on the island of Hawaii from the Department of Land and Natural Resources to the Department of Agriculture pursuant to Act 90, Session Laws of Hawaii 2003 by December 31, 2020;
- (4) Specifying that any parcels identified and approved by the Land Use Commission that have not been transferred by December 31, 2020, shall be placed under the jurisdiction of the Department of Agriculture by January 1, 2021;
- (5) Deleting language that requires the Department of Agriculture to assume responsibility for compliant leases and agreements and negotiate future leases and agreements;
- (6) Inserting language that requires the Department of Agriculture to assume management responsibility for lands, leases, and agreements transferred from the Department of Land and Natural Resources and deemed compliant and suitable by the Department of Agriculture commencing December 31, 2020;
- (7) Inserting language that requires the lessees managing livestock production on the parcels that are transferred over by December 31, 2020 with the TMK numbers listed in section 3 of the measure to develop a watershed partnership plan;
- (8) Inserting language that requires the lessees managing livestock production on the parcels that are transferred over by December 31, 2020 to dedicate fifty percent of all livestock meat and beef production to the State of Hawaii over a phased-in three year period;
- (9) Inserting language that requires the Department of Land and Natural Resources to accept and return to its land inventory any parcel, or portion thereof, transferred pursuant to the Department of Agriculture that has been determined to be unsuitable or unnecessary for agricultural use;
- (10) Deleting language that requires the Department of Land and Natural Resources and Department of Agriculture to jointly submit a report to the Legislature no later than twenty days prior to the convening of the regular session of 2021 on their efforts to effectuate the land transfer;
- (11) Inserting language that requires the Department of Agriculture to submit a report to the legislature no later than twenty days prior to the convening of the regular session of 2022 and every two years thereafter that includes the percentage of locally produced meat production that is being marketed in the State's local meat industry and updates on the implementation of the watershed partnership plan;
- (12) Amending section 1 to reflect its amended purpose;
- (13) Making it effective upon its approval;
- (14) Inserting a sunset date of June 30, 2021; and
- (15) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2035, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2035, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.

Water and Land: Ayes, 5. Noes, none. Excused, none.

Agriculture and Environment: Ayes, 4. Noes, 1 (Rhoads). Excused, none.

SCRep. 3692 (Joint) Water and Land and Agriculture and Environment on H.B. No. 2486

The purpose and intent of this measure is to:

- (1) Establish a statewide sustainability division within the office of planning to ensure stronger, long-term planning, coordination, and implementation of Hawaii's sustainability goals; and
- (2) Update and reaffirm the role of the office of planning to coordinate among state agencies regarding climate change adaptation and sustainability.

Your Committees received testimony in support of this measure from the Department of Transportation; Department of Health; Office of Planning; Honolulu Board of Water Supply; Environmental Caucus of the Democratic Party of Hawai'i; Pele Lani Farm LLC; Kauai Women's Caucus; Conservation Council for Hawaii; PonoHolo Ranch Limited; Hawaii Cattlemen's Council, Inc.; 350Hawaii.org; Coordinating Group on Alien Pest Species; Healthy Climate Communities; Hawaii Food Industry Association; Executive Committee of the Hawaiian Affairs Caucus, Democratic Party of Hawai'i; and twenty-one individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from four individuals.

Your Committees find that climate change is the overriding challenge of the twenty-first century and one of the priority issues of the State. Climate change poses immediate and long-term threats to Hawaii's economy, sustainability, security, and way of life. Your Committees further find that the Office of Planning is the appropriate state agency to coordinate sustainability and climate adaptation goals and implement those goals.

Your Committees have amended this measure by:

- (1) Amending section 1 to reflect its amended purpose;
- (2) Changing "statewide sustainability division" to "statewide sustainability branch", where appropriate;
- (3) Clarifying that the statewide sustainability branch shall develop and promote proposals that jointly and mutually enhance local economies, the environment, and community well-being for the present and future benefit of the people of Hawaii;
- (4) Deleting language that would have appropriated funds for the establishment and implementation of the statewide sustainability division and appropriated funds for one full-time equivalent (1.0 FTE) secretary III position, two full-time equivalent (2.0 FTE) planner IV positions, and two full-time equivalent (2.0 FTE) planner V positions to support the statewide sustainability division;
- (5) Specifying that the State of Hawaii's sustainability coordinator shall serve as the administrator of the statewide sustainability branch and that this position is previously funded through the base budget of the Office of Planning;
- (6) Making it effective upon its approval; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Water and Land and Agriculture and Environment that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2486, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2486, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chairs on behalf of the Committees.
 Water and Land: Ayes, 5. Noes, none. Excused, none.
 Agriculture and Environment: Ayes, 5. Noes, none. Excused, none.

SCRep. 3693 Water and Land on H.B. No. 1928

The purpose and intent of this measure is to:

- (1) Establish the Pulehunui Community Development District on the island of Maui as a community development district within the authority of the Hawaii Community Development Authority;
- (2) Authorize the Hawaii Community Development Authority to obtain various forms of financial aid from the federal government for projects of the Authority; and
- (3) Appropriate funds for the development of the Pulehunui Community Development District and two full-time equivalent (2.00 FTE) positions.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Department of Public Safety, Department of Hawaiian Home Lands, Hawaii Community Development Authority, Office of the Mayor of the County of Maui, and one member of the Maui County Council.

Your Committee finds that there are four underutilized parcels of public land located in Pulehunui that are appropriate for development. Investing in critical infrastructure through the development of these properties will provide significant opportunities for other state and county projects in the vicinity. This measure ensures that the redevelopment, renovation, and improvement of the underutilized public lands of Pulehunui will provide appropriate recreational, residential, educational, industrial, government services, and commercial development.

Your Committee has amended this measure by:

- (1) Clarifying findings related to the uses of public lands in the Pulehunui Community Development District to include industrial and government services;
- (2) Clarifying provisions related to the authority of the Hawaii Community Development Authority in securing financial aid and the cooperation of the federal government;
- (3) Inserting language that prohibits a county ordinance or county rule from requiring a developer of a multi-residential dwelling unit development to obtain the approval of any state agency, unless such approval is required under state law;
- (4) Deleting language that would have appropriated funds for the development of the Pulehunui Community Development District and two full-time equivalent (2.0 FTE) positions;
- (5) Inserting an effective date of July 1, 2020; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1928, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1928, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
 Ayes, 3. Noes, none. Excused, 2 (Nishihara, Fevella).

SCRep. 3694 (Majority) Public Safety, Intergovernmental, and Military Affairs on H.B. No. 1901

The purpose and intent of this measure is to clarify that the comprehensive offender reentry system provides programs and services that result in the timely release of inmates on parole when the minimum term, rather than the maximum term, has been served by the inmate.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Hawaii Justice Coalition, Community Alliance on Prisons, Hawai'i Health and Harm Reduction Center, and fourteen individuals.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which deletes the contents of this measure and inserts language that:

- (1) Requires the Law Enforcement Standards Board to review and recommend policies regarding the use of force and receive and investigate complaints of a law enforcement officer's actions or omissions that may result in denial, suspension, or revocation of the officer's certification; and
- (2) Requires the Law Enforcement Standards Board to adopt rules that establish criteria for the denial, suspension, or revocation of a law enforcement officer's certification upon a finding that the officer violated written departmental policy or used unjustified force.

Your Committee received testimony in support of the proposed S.D. 1 from the Department of Transportation, City and County of Honolulu Department of the Prosecuting Attorney, and one individual. Your Committee received testimony in opposition to the proposed S.D.1 from the Honolulu Police Department, Hawai'i Police Department, Hawaii Association of Criminal Defense Lawyers, and two individuals. Your Committee received comments on the proposed S.D. 1 from the Office of Hawaiian Affairs.

Your Committee finds that recent events involving law enforcement officers using excessive force that resulted in the wrongful death of citizens has reignited a movement calling for extensive reform of law enforcement organizations and policies across the nation. Your Committee believes that having policies relating to the use of force will ensure the safety of officers as well as others and that standards for compliance are in effect. Your Committee further finds that to allow for more oversight and uniformity on law enforcement policies, the Legislature enacted Act 220, Session Laws of Hawaii 2018, to create a Law Enforcement Standards Board for the certification of law enforcement officers in the State. Your Committee believes that a review and update of the policies and procedures that govern the use of excessive force in the State is necessary to ensure the safety of law enforcement officers and the public. This measure will ensure that law enforcement in the State is held to a higher standard by requiring the Law Enforcement Standards Board to review and recommend policies on the use of force and receive and investigate complaints of an officer's actions.

Your Committee has amended this measure by adopting the proposed S.D. 1, and further amending the measure by:

- (1) Inserting language that includes any county Department of the Prosecuting Attorney in the definition of "law enforcement officer" for purposes of the Law Enforcement Standards Board chapter; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1901, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1901, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 2. Noes, 1 (Fevella). Excused, 2 (Baker, Harimoto).

SCRep. 3695 (Majority) Public Safety, Intergovernmental, and Military Affairs on H.B. No. 1278

The purpose and intent of this measure is to appropriate funds for the operating budget of the Judiciary for the 2019-2021 fiscal biennium.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which deletes the contents of this measure and inserts language that:

- (1) Provides a preamble;
- (2) Provides that a law enforcement officer has a duty to intervene if the officer reasonably believes that another officer is using or about to use unnecessary or excessive force on an arrestee;
- (3) Requires the intervening law enforcement officer to report the incident to the other law enforcement officer's supervisor; and
- (4) Requires relevant departments to submit an annual report to the Legislature regarding any incidents of a law enforcement officer using unnecessary or excessive force.

Your Committee received testimony in support of the proposed S.D. 1 from the Department of Transportation. Your Committee received testimony in opposition to the proposed S.D.1 from one individual. Your Committee received comments on the proposed S.D. 1 from the Department of Public Safety, Honolulu Police Department, and American Civil Liberties Union of Hawai'i.

Your Committee finds that citizens across the United States have gathered to call for major reforms of policies regarding the use of excessive force by law enforcement officers. Existing law remains silent as to the responsibilities of law enforcement officers who are witnessing another officer using or about to use unnecessary or excessive force on an arrestee. Your Committee further finds that to align the State with the current movement to address the use of unnecessary or excessive force, thereby improving the safety for both law enforcement officers and citizens, state law should clearly state the responsibilities of all law enforcement officers. This measure will ensure that only proper use of force is used on an arrestee by explicitly stating the responsibilities of law enforcement officers when another officer is using or about to use unnecessary or excessive use of force.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1278, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1278, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.

Ayes, 2. Noes, 1 (Fevella). Excused, 2 (Baker, Harimoto).

SCRep. 3696 Transportation on H.B. No. 2750

The purpose and intent of this measure is to prohibit the imposition of “stoppers”, which are restrictions on a person’s ability to obtain or renew a driver’s license or register, renew the registration of, or transfer or receive title to a motor vehicle, as a penalty for unpaid monetary obligations, such as non-parking related traffic tickets. This measure is not intended to affect driver’s license suspensions related to excessive speeding, lack of motor vehicle insurance, or noncompliance with a child support order.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Office of the Prosecuting Attorney, County of Kaua’i; Hawai’i Health & Harm Reduction Center; American Civil Liberties Union of Hawai’i; Pono Hawai’i Initiative; Hawaii Children’s Action Network Speaks!; Parents and Children Together; Hawai’i Friends of Civil Rights; Smart Justice; LGBT Caucus of the Democratic Party of Hawaii; We Are One, Inc.; and thirty-five individuals. Your Committee received comments on this measure from the Judiciary and Office of Hawaiian Affairs.

Your Committee finds that stoppers are ineffective and counterproductive because the inability to obtain or renew a driver’s license prevents people who have not committed a crime from getting to work, picking up their children, keeping medical appointments, and ultimately escaping debt. Your Committee believes that individuals should not be subjected to substantial and undue hardship because they cannot afford to pay a monetary fine.

Your Committee has amended this measure by inserting an effective date of September 1, 2020.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2750, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2750, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3697 Transportation on H.B. No. 2475

The purpose and intent of this measure is authorize the Department of Transportation to expend funds from the Harbor Special Fund to provide subsidies to cargo carriers to offset costs incurred by the cargo carriers as a result of providing cargo carrier services to ports serving counties within Hawaii having a population of less than 500,000 and comprising three or more populated islands.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which deletes the contents of the measure and inserts language to:

- (1) Allow the Public Utilities Commission to appoint a receiver for a regulated water carrier if such carrier is failing or at risk of failing in order to ensure continued and uninterrupted interisland shipping services;
- (2) Extend the duration for which the Public Utilities Commission may grant a regulated water carrier temporary authority to operate in emergency situations;
- (3) Allow the Public Utilities Commission to waive certain regulatory provisions in order to restore or protect essential water carrier services; and
- (4) Allow the Public Utilities Commission to authorize new water carriers to enter service in Hawaii.

Your Committee received testimony in support of this measure from the Department of Transportation; Department of Commerce and Consumer Affairs; Public Utilities Commission; Hawaii Cattlemen’s Council, Inc.; Moloka’i Chamber of Commerce; American Federation of State, County and Municipal Employees; Tuipulotu Organics, LLC; Maui Chamber of Commerce; and one individual. Your Committee received testimony in opposition to this measure from six individuals. Your Committee received comments on this measure from the Department of Agriculture; Young Brothers, LLC; UNITE HERE! Local 5; and one individual.

Your Committee finds that the covid-19 pandemic has caused a significant decrease in interisland cargo volumes that has put financial stress on all forms of interisland transportation of goods and property. Your Committee further finds that for counties with populations of less than five hundred thousand people, interisland cargo transportation is a “life-line” for the residents and business in those counties. Your Committee further finds that an interisland tug and barge service is essential to the State’s economic recovery from the covid-19 pandemic’s deleterious statewide economic effects.

Accordingly, your Committee has amended the proposed draft S.D. 1 by:

- (1) Authorizing the department of transportation to provide subsidies to cargo carriers to offset the costs incurred by the cargo carriers as a result of providing cargo carrier services to ports serving counties within the State having a population of less than five hundred thousand, provided the cargo carriers agree to certain restrictions; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2475, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2475, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3698 Transportation on H.B. No. 2002

The purpose and intent of this measure is to create the regulatory framework of transportation network companies and transportation network company drivers to ensure operational consistency across the State, including the establishment of a permitting process within the Department of Transportation for transportation network companies and to make permanent certain insurance requirements for transportation network companies.

Your Committee received testimony in support of this measure from the Department of Transportation; Department of Customer Services, City and County of Honolulu; Lyft, Inc.; Hawaii Transportation Association; and three individuals. Your Committee received testimony in opposition to this measure from Uber Technologies, Inc. and Roberts Hawaii, Inc.

Your Committee finds that driver screening and other operating requirements for transportation network companies are currently only mandated for the City and County of Honolulu. This measure incorporates consensus language between the Department of Transportation and other stakeholders to uniformly regulate transportation network companies across all islands and will help promote public safety for those that utilize transportation network companies as a transportation option.

Your Committee notes that the companion to this measure, S.B. No. 2808, S.D. 1 (Regular Session of 2020), which was previously passed by the Senate, is a substantially similar measure that creates statewide regulation of transportation network companies. Your Committee concludes that the language in S.B. No. 2808, S.D. 1, is preferable because it keeps the provisions that regulate transportation network companies, but does not include language regarding the enforcement of rules that may be promulgated. Your Committee notes that the Department of Transportation already has the authority to enforce the rules. Your Committee further finds that the language in S.B. No. 2808, S.D. 1, does not include additional provisions regarding complaints against transportation network companies that create a private right of action for unfair and deceptive trade practices. Your Committee notes that this is preferable, as the Hawaii Revised Statutes already authorize actions for unfair and deceptive trade practices and the Department of Transportation has the authority to audit and oversee the provisions of the measure.

Accordingly, your Committee has amended this measure by deleting its contents and inserting the contents of S.B. No. 2808, S.D. 1, a substantially similar measure, which:

- (1) Removes provisions regarding the director of transportation's authority to implement, enforce, investigate, and inspect transportation network companies and drivers, and claims against transportation network companies;
- (2) Removes the requirement that vehicles used by the transportation network company be certified;
- (3) Removes provisions regarding an individual's right to sue or file complaints against a transportation network company;
- (4) Makes it effective upon its approval;
- (5) Inserts an annual permit fee amount of up to \$25,000 for transportation network companies to operate in the State; and
- (6) Makes technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2002, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2002, H.D. 2, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3699 Transportation on H.B. No. 1676

The purpose and intent of this measure is to:

- (1) Establish a three-year pilot program in major arterial zones on state or county highways within a specified area to provide for the implementation of photo red light imaging detector systems to improve traffic enforcement;
- (2) Authorize any affected county to implement the photo red light imaging detector systems pilot program; and
- (3) Appropriate funds for the establishment of a photo red light imaging detector systems pilot program.

Your Committee received testimony in support of this measure from the Department of Transportation; Disability and Communication Access Board; Department of the Prosecuting Attorney, City and County of Honolulu; Department of Transportation Services, City and County of Honolulu; Honolulu Police Department; Maui Police department; Hawaii Strategic Highway Safety Plan; Mothers Against Drunk Driving Hawaii; Hawaii Bicycling League; Peoples Advocacy for Trails Hawai'i; Blue Zones Project; Hawai'i Public Health Institute; and twenty-seven individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and one individual. Your Committee received comments on this measure from the Judiciary and one individual.

Your Committee notes that the companion to this measure, S.B. No. 2994, S.D. 2, Regular Session of 2020, which was previously passed by the Senate, is a substantially similar measure that also authorizes the Photo Red Light Imaging Detector Systems Program.

Your Committee concludes that the language in S.B. No. 2994, S.D. 2, is preferable because it creates a new chapter in the Hawaii Revised Statutes rather than creating a pilot program only in session law.

Accordingly, your Committee has amended this measure by deleting its contents and inserting the contents of S.B. No. 2994, S.D. 2.

Your Committee also notes the testimony of the Department of Transportation, which proposed several amendments to improve the operation of this measure. Accordingly, your Committee has further amended this measure by:

- (1) Changing all references to the “operator” of the motor vehicle to reflect the registered owner of the motor vehicle;
- (2) Removing the reference to sensors buried under crosswalks in contemplation of new technology;
- (3) Requiring a county’s vendor, rather than the county, to mail a notice of traffic infraction;
- (4) Amending the measure to hold registered owners strictly liable for violations of the statute;
- (5) Removing the prima facie evidence portion of the measure;
- (6) Removing the provision regarding the liability of the driver of a rental or u-drive vehicle;
- (7) Clarifying that nothing in the measure shall be deemed to override or supersede any provision of Chapter 291D, Hawaii Revised Statutes;
- (8) Setting the fine for unauthorized disclosure of confidential information at \$97.00;
- (9) Making it effective upon its approval; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1676, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1676, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3700 Transportation on S.C.R. No. 78

The purpose and intent of this measure is to request the Department of Transportation to study the feasibility of using recycled plastic to repair roadways.

Your Committee received testimony in support of this measure from the Department of Transportation and one individual.

Your Committee finds that according to the American Society of Civil Engineers, Hawaii’s roadways are among the most congested in the nation and that the State will have a \$23,000,000 transportation infrastructure funding gap over the next twenty years. Your Committee further finds that numerous initiatives, including a startup in the United Kingdom and the Solid Waste Institute for Sustainability at the University of Texas at Arlington, have developed techniques for using recycled plastics to repair roadways, which have already been implemented in multiple states, including Iowa, Missouri, and Texas. Your Committee also finds that using recycled plastic products in roadway repair projects prevents plastic waste from going into a landfill and presents an opportunity to use bitumen efficiently. This measure requests that the Department of Transportation study the feasibility of using recycled plastic to fix roadways in Hawaii.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 78 and recommends its adoption.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3701 Transportation on S.C.R. No. 50

The purpose and intent of this measure is to request that the Department of Transportation and Kauai Department of Public Works conduct a study to identify and recommend methods to alleviate traffic congestion at certain intersections along the Kaunualii Highway.

Your Committee received testimony in support of this measure from the Department of Transportation and one individual.

Your Committee finds that Kaunualii Highway is a thirty-three-mile roadway in the County of Kauai that stretches from the intersection of Kuhio Highway and Rice Street to Lio Road, passing through the communities of Lihue, Omao, Koloa, Kalaheo, and Waimea, among others. Your Committee further finds that according to the 2018 State of Hawaii Data Book, the number of vehicle registrations in the County of Kauai increased by fifteen percent between 2010 and 2018, and the twenty-four-hour traffic volume in certain survey sites in the county increased between 2012 and 2018 by approximately ten percent in Waimea and thirteen percent in Omao. Your Committee additionally finds that the County of Kauai’s growing population and the presence of numerous large employers near the Kaunualii Highway necessitate a collaborative effort by the State and the County of Kauai to develop methods to alleviate traffic congestion along and enhance the reliability of the Kaunualii Highway. This measure requests that the Department of Transportation and Kauai Department of Public Works conduct a study and make recommendations to alleviate traffic along Kaunualii Highway.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 50 and recommends its adoption.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3702 (Joint) Government Operations and Labor, Culture and the Arts on S.C.R. No. 86

The purpose and intent of this measure is to request that the Governor to recognize and commemorate August 26, 2020, as Women's Equality Day to celebrate the centennial of, and honor Hawaii's role in, the women's suffrage movement.

Your Committees received testimony in support of this measure from Common Cause Hawaii.

Your Committees finds that in 1973, Congress declared August 26th as National Women's Equality Day, to commemorate the certification of the Nineteenth Amendment to the United States Constitution. Your Committees further find that Hawaii has a proud history of exemplary women in leadership roles, especially in the United States Congress.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Labor, Culture and the Arts that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 86, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 86, S.D. 1.

Signed by the Chairs on behalf of the Committees.
Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).
Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3703 Judiciary on S.C.R. No. 13

The purpose and intent of this measure is to urge Congress to amend Title XIX of the Social Security Act to require Medicaid to cover the routine costs of care for patients with life-threatening conditions who are enrolled in clinical trials.

Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that unlike Medicare, Medicaid is not federally required to cover routine care costs, such as physician visits and laboratory studies, for clinical trials. Members of Congress recently reintroduced bipartisan legislation, the Clinical Treatment Act (H.R. 913), which would guarantee coverage of the routine care costs of clinical trial participation for Medicaid enrollees with a life-threatening condition. Your Committee further finds that clinical trials often underrepresent certain groups and guaranteeing Medicaid coverage for patients who choose to participate in clinical trials will encourage participation by those underrepresented groups. This measure urges Congress to pass the Clinical Treatment Act to amend federal law to require Medicaid to cover the routine costs of care for patients with life threatening conditions who are enrolled in clinical trials.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 13, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 13, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3704 (Joint) Hawaiian Affairs and Water and Land on S.C.R. No. 77

The purpose and intent of this measure is to request the Department of Hawaiian Home Lands, in conjunction with the County of Hawaii Department of Water Supply, to provide a progress report regarding the development of the Kau water system.

Your Committees received comments on this measure from the Department of Hawaiian Home Lands.

Your Committees find that Act 49, Session Laws of Hawaii 2017, allocated, among other things, \$1,500,000 in general obligation bonds for the plans, design, and construction for the development of the Kau water system. Your Committees further find that because of the complexities and future costs of the Kau water system development and project, it would be prudent for the Legislature to receive an update on the progress of the development and project.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 77 and recommend its adoption.

Signed by the Chairs on behalf of the Committees.
Hawaiian Affairs: Ayes, 5. Noes, none. Excused, none.
Water and Land: Ayes, 4. Noes, none. Excused, 1 (Nishihara).

SCRep. 3705 (Joint) Hawaiian Affairs and Housing on S.C.R. No. 2

The purpose and intent of this measure is to urge the United States Department of Housing and Urban Development and United States Congress to provide additional federal funds for Native Hawaiian Housing Block Grants, designate individual Hawaiian homesteads to be direct recipients of Native Hawaiian Housing Block Grants, and identify and secure other forms of direct assistance to the State to address the affordable housing needs of the Native Hawaiian population.

Your Committees received testimony in support of this measure from one member of the Maui County Council, Villages of Laiopua and Laiopua Community Development Corporation, and four individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Hawaiian Home Lands.

Your Committees find that the Native Hawaiian Housing Assistance and Self-Determination Act established a block grant program to transform the way American Indians and Alaska Natives were provided housing. This Act was amended to provide similar funding for Native Hawaiians. The Department of Hawaiian Home Lands is the designated recipient for the Native Hawaiian Housing Block Grants. Your Committees conclude that designating individual Hawaiian homesteads to be direct recipients of Native Hawaiian Housing Block Grants could expedite the effective utilization of the funds and expand affordable housing opportunities for low-income families and individuals living on, or desiring to live on, Hawaiian homesteads.

Your Committees have amended this measure by:

- (1) Specifying that the Department of Hawaiian Home Lands is urged to assist and train individual Hawaiian homesteads on the technical aspects and processes involved in expending and utilizing Native Hawaiian Housing Block Grants;
- (2) Removing language urging the United States Department of Housing and Urban Development and Congress of the United States to designate individual Hawaiian homesteads as direct recipients of Native Hawaiian Housing Block Grants;
- (3) Amending its title in accordance with its amended purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Housing that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 2, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 2, S.D. 1.

Signed by the Chair and President on behalf of the Committees.

Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Ihara, Keohokalole).

Housing: Ayes, 5. Noes, none. Excused, none.

SCRep. 3706 (Joint) Hawaiian Affairs and Water and Land and Transportation on S.C.R. No. 54

The purpose and intent of this measure is to urge the Governor and County of Kaua'i to protect the wahi pana of Waimakaohi'iaka and the traditional and customary practice of making the salt beds and gathering pa'akai in Hanapepe, Kaua'i for all future generations, urge the Legislature to stand in solidarity with the Hui Hana Pa'akai o Hanapēpē as protectors of the wahi pana, urge the Department of Transportation to order the relocations of operations of Smokey Mountain Helicopters, Inc. from Burns Field to the Līhu'e Airport and close Port Allen Airport, urge the Department of Land and Natural Resources and the County of Kaua'i to regulate, control, and enforce illegal beach access impacting the salt ponds, and urge the United States Environmental Protection Agency to investigate the use of an unpermitted restroom facility utilizing a cesspool at Burns Field by Smokey Mountain Helicopters.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs, Association of Hawaiian Civic Clubs, Pono Hawai'i Initiative, Eco-Tipping Points Project, Hawaii Seed, Hui Hana Pa'akai O Hanapēpē, Moku O Manokalanipō, Kanaeokana – Kula Hawai'i Network, Halau Ilima Ku Kahakai, Halau Ka Lei Mokihana O Leina'ala, Prince Kūhiō Hawaiian Civic Club, Hale Pihana ka 'Ikena, Kua'āina Ulu 'Auamo, and fifty individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Transportation.

Your Committees find that Waimakaohi'iaka, in the 'ili of 'Ukulā, in the ahupua'a of Hanapēpē, in the moku of Kona or also known as the salt ponds of Hanapēpē is a wahi pana, a culturally significant sacred site specifically for the making of pa'akai (salt), which has been traditionally cultivated and gathered by native Hawaiians since time immemorial. Waimakaohi'iaka, is the only area in all of Hawai'i that continues to make the salt beds and harvest pa'akai using these traditional methods, which are passed generation to generation by native Hawaiian 'ohana who are exercising their constitutionally protected traditional and customary salt-making knowledge and skills. Your Committees further find that the effects of nearby commercial activity, including the utilization of an unapproved cesspool for an unpermitted restroom by the Smokey Mountain Helicopters, Inc. has made the Waimakaohi'iaka and the practice of cultivating and gathering of salt vulnerable. This measure will urge various government actions to take appropriate actions to protect the Waimakaohi'iaka and preserve the traditional Hawaiian practice of cultivating and gathering salt for present and future generations.

Your Committees note the concerns of the Department of Transportation that the Port Allen Airport serves as an alternative airport during emergency situations if Līhu'e Airport was to become inoperable and forcing an aeronautical tenant from Port Allen Airport would be discrimination against a class of economic activity and a violation of Federal Grant Assurance 22.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs, Water and Land, and Transportation that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 54, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 54, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Hawaiian Affairs: Ayes, 5. Noes, none. Excused, none.

Water and Land: Ayes, 4. Noes, none. Excused, 1 (Nishihara).

Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3707 Transportation on S.R. No. 45

The purpose and intent of this measure is to request the Department of Transportation to study the feasibility of using recycled plastic to repair roadways.

Your Committee did not receive any testimony on this measure.

Your Committee finds that according to the American Society of Civil Engineers, Hawaii's roadways are among the most congested in the nation and that the State will have a \$23,000,000 transportation infrastructure funding gap over the next twenty years. Your Committee further finds that numerous initiatives, including a startup in the United Kingdom and the Solid Waste Institute for Sustainability at the University of Texas at Arlington, have developed techniques for using recycled plastics to repair roadways, which have already been implemented in multiple states, including Iowa, Missouri, and Texas. Your Committee also finds that using recycled plastic products in roadway repair projects prevents plastic waste from going into a landfill and presents an opportunity to use bitumen efficiently. This measure requests that the Department of Transportation study the feasibility of using recycled plastic to fix roadways in Hawaii.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 45 and recommends its adoption.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3708 Transportation on S.R. No. 29

The purpose and intent of this measure is to request that the Department of Transportation and Kauai Department of Public Works conduct a study to identify and recommend methods to alleviate traffic congestion at certain intersections along the Kaunualii Highway.

Your Committee did not receive any testimony on this measure.

Your Committee finds that Kaunualii Highway is a thirty-three-mile roadway in the County of Kauai that stretches from the intersection of Kuhio Highway and Rice Street to Lio Road, passing through the communities of Lihue, Omao, Koloa, Kalaheo, and Waimea, among others. Your Committee further finds that according to the 2018 State of Hawaii Data Book, the number of vehicle registrations in the County of Kauai increased by fifteen percent between 2010 and 2018, and the twenty-four-hour traffic volume in certain survey sites in the county increased between 2012 and 2018 by approximately ten percent in Waimea and thirteen percent in Omao. Your Committee additionally finds that the County of Kauai's growing population and the presence of numerous large employers near the Kaunualii Highway necessitate a collaborative effort by the State and the County of Kauai to develop methods to alleviate traffic congestion along and enhance the reliability of the Kaunualii Highway. This measure requests that the Department of Transportation and Kauai Department of Public Works conduct a study and make recommendations to alleviate traffic along Kaunualii Highway.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 29 and recommends its adoption.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3709 (Joint) Government Operations and Labor, Culture and the Arts on S.R. No. 52

The purpose and intent of this measure is to request that the Governor to recognize and commemorate August 26, 2020, as Women's Equality Day to celebrate the centennial of, and honor Hawaii's role in, the women's suffrage movement.

Your Committee received testimony in support of this measure from one individual.

Your Committees finds that in 1973, Congress declared August 26th as National Women's Equality Day, to commemorate the certification of the Nineteenth Amendment to the United States Constitution. Your Committees further find that Hawaii has a proud history of exemplary women in leadership roles, especially in the United States Congress.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Labor, Culture and the Arts that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 52, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 52, S.D. 1.

Signed by the Chairs on behalf of the Committees.
Government Operations: Ayes, 4. Noes, none. Excused, 1 (Fevella).
Labor, Culture and the Arts: Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3710 Judiciary on S.R. No. 14

The purpose and intent of this measure is to urge Congress to amend Title XIX of the Social Security Act to require Medicaid to cover the routine costs of care for patients with life-threatening conditions who are enrolled in clinical trials.

Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that unlike Medicare, Medicaid is not federally required to cover routine care costs, such as physician visits and laboratory studies, for clinical trials. Members of Congress recently reintroduced bipartisan legislation, the Clinical Treatment Act (H.R. 913), which would guarantee coverage of the routine care costs of clinical trial participation for Medicaid enrollees with a life-threatening condition. Your Committee further finds that clinical trials often underrepresent certain groups and guaranteeing Medicaid coverage for patients who choose to participate in clinical trials will encourage participation by those underrepresented groups. This measure urges Congress to pass the Clinical Treatment Act to amend federal law to require Medicaid to cover the routine costs of care for patients with life threatening conditions who are enrolled in clinical trials.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 14, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 14, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Gabbard, Fevella).

SCRep. 3711 (Joint) Hawaiian Affairs and Water and Land on S.R. No. 44

The purpose and intent of this measure is to request the Department of Hawaiian Home Lands, in conjunction with the County of Hawaii Department of Water Supply, to provide a progress report regarding the development of the Kau water system.

Your Committees received comments on this measure from the Department of Hawaiian Home Lands.

Your Committees find that Act 49, Session Laws of Hawaii 2017, allocated, among other things, \$1,500,000 in general obligation bonds for the plans, design, and construction for the development of the Kau water system. Your Committees further find that because of the complexities and future costs of the Kau water system development and project, it would be prudent for the Legislature to receive an update on the progress of the development and project.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 44 and recommend its adoption.

Signed by the Chairs on behalf of the Committees.
Hawaiian Affairs: Ayes, 5. Noes, none. Excused, none.
Water and Land: Ayes, 4. Noes, none. Excused, 1 (Nishihara).

SCRep. 3712 (Joint) Hawaiian Affairs and Housing on S.R. No. 2

The purpose and intent of this measure is to urge the United States Department of Housing and Urban Development and United States Congress to provide additional federal funds for Native Hawaiian Housing Block Grants, designate individual Hawaiian homesteads to be direct recipients of Native Hawaiian Housing Block Grants, and identify and secure other forms of direct assistance to the State to address the affordable housing needs of the Native Hawaiian population.

Your Committees received testimony in support of this measure from one member of the Maui County Council and three individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of Hawaiian Home Lands.

Your Committees find that the Native Hawaiian Housing Assistance and Self-Determination Act established a block grant program to transform the way American Indians and Alaska Natives were provided housing. This Act was amended to provide similar funding for Native Hawaiians. The Department of Hawaiian Home Lands is the designated recipient for the Native Hawaiian Housing Block Grants. Your Committees conclude that designating individual Hawaiian homesteads to be direct recipients of Native Hawaiian Housing Block Grants could expedite the effective utilization of the funds and expand affordable housing opportunities for low-income families and individuals living on, or desiring to live on, Hawaiian homesteads.

Your Committees have amended this measure by:

- (1) Specifying that the Department of Hawaiian Home Lands is urged to assist and train individual Hawaiian homesteads on the technical aspects and processes involved in expending and utilizing Native Hawaiian Housing Block Grants;
- (2) Removing language urging the United States Department of Housing and Urban Development and Congress of the United States to designate individual Hawaiian homesteads as direct recipients of Native Hawaiian Housing Block Grants;
- (3) Amending its title in accordance with its amended purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Housing that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 2, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 2, S.D. 1.

Signed by the Chair and President on behalf of the Committees.
Hawaiian Affairs: Ayes, 3. Noes, none. Excused, 2 (Ihara, Keohokalole).
Housing: Ayes, 5. Noes, none. Excused, none.

SCRep. 3713 (Joint) Hawaiian Affairs and Water and Land on S.C.R. No. 3

The purpose and intent of this measure is to protect iwi kupuna and native Hawaiian cultural and historic resources.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs; Society for Hawaiian Archaeology; International Archaeological Research Institution, Inc.; Historic Hawai'i Foundation; one representative from the Hawaii Island Burial Council; and nineteen individuals. Your Committees received testimony in opposition to this measure from two individuals. Your Committees received comments on this measure from the Department of Land and Natural Resources and Honua Consulting.

Your Committees find that the State Historic Preservation Division of the Department of Land and Natural Resources is authorized to adopt rules to administer historic preservation, review laws, and regulate the treatment and protection of invaluable historic

properties and resources throughout the State. Your Committees further find that the current historic preservation rules adopted by the Department of Land and Natural Resources have not been updated in more than fifteen years. Therefore, the current historic preservation rules, in some respects, provide incomplete, ineffective, or inadequate guidance on historic preservation processes and protection for historic resources and iwi kupuna. Requesting the Department of Land and Natural Resources to adopt administrative rules that strengthen historic resources protections will help ensure that there is a streamlined process for protecting iwi kapuna and historic resources in the State.

Your Committees note the concerns of the Department of Land and Natural Resources that the measure requests the Department of Land and Natural Resources to adopt policy that is inconsistent with the express language of the Hawaii Revised Statutes.

Your Committees have amended this measure by:

- (1) Incorporating the changes proposed by the Office of Hawaiian Affairs by clarifying that the current historic preservation rules require perpetual protection of unmarked burial sites through recordation of the metes and bounds with the Bureau of Conveyances, but they do not require the same for historic preservation sites such as heiau, which has caused the unintentional destruction of many historic properties;
- (2) Incorporating the changes proposed by the Historic Hawaii Foundation by specifying that the Department of Land and Natural Resources is also requested to review administrative rules governed by section 6E, Hawaii Revised Statutes, related to government projects, private property, burials and iwi kapuna, and archaeologists and archaeology;
- (3) Incorporating the changes proposed by the Historic Hawaii Foundation by specifying that the adoption of administrative rules should be conducted with the advice and technical assistance of a task force made up of professionals with subject matter expertise, stakeholders with jurisdiction over projects that may affect historic properties, and organizations and individuals with concern for the effect of projects on historic and cultural resources;
- (4) Amending the title accordingly; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 3, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 3, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Hawaiian Affairs: Ayes, 4. Noes, none. Excused, 1 (Ihara).

Water and Land: Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Nishihara).

SCRep. 3714 Education on Gov. Msg. No. 706

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF EDUCATION

G.M. No. 706 CHRISTINE NAMAUU, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Christine Namauu for service on the Board of Education.

Your Committee received testimony in support of the nomination from the Office of Hawaiian Affairs; South Maui Learning Ohana, Inc.; and fourteen individuals. Your Committee received comments from Hawaii Kids Can.

Upon review of the testimony, your Committee finds that Christine Namauu's experience, background, and commitment to public service qualify her for reappointment to the Board of Education. Your Committee further finds that Ms. Namauu has served on the Board of Education since 2017. For more than twenty-five years, she has served as the Director of Pūnana Leo o Maui. Ms. Namauu received a Bachelor of Arts in Economics and a Master of Education with an emphasis on early education from the University of Hawaii at Manoa. In 2009, she was named Educator of the Year by the Native Hawaiian Education Association, and has been a leader in Hawaiian immersion education programs. Ms. Namauu's experience and knowledge will continue to be assets to the Board of Education. Your Committee therefore recommends that Christine Namauu be reappointed to the Board of Education based on her experience, knowledge, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Dela Cruz).

SCRep. 3715 Judiciary on H.B. No. 2610

The purpose and intent of this measure is to allow a narrow hearsay exception for statements made by a domestic violence victim to a government official within twenty-four hours of a domestic violence attack and prior to the defendant being arrested regardless of the availability of the declarant, as long as the statement bears sufficient indicia of reliability.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, Domestic Violence Action Center, and two individuals. Your Committee received testimony in opposition to this measure from the Judiciary and Office of the Public Defender.

Your Committee finds that victims in domestic violence cases are often reluctant to testify in court and may ignore court subpoenas to appear for trial due to fear of the perpetrator, consequences threatened by the perpetrator if the victim testifies, or more generally to the complicated dynamic of abusive relationships.

Your Committee further finds that hearsay is an out-of-court testimonial statement offered to prove the truth of the matter asserted, and is inadmissible evidence at trial unless it meets a specific exclusion or exception. The general prohibition on the use of hearsay evidence stems from the confrontation clause of the federal and state constitutions, which grant the right of a defendant in a criminal trial to confront the defendant's accusers. Your Committee further finds that in *Davis v. Washington*, 547 U.S. 813 (2006), the United States Supreme Court explained that "[s]tatements are nontestimonial when made in the course of police interrogation under circumstances objectively indicating that the primary purpose of the interrogation is to enable police assistance to meet an ongoing emergency."

Your Committee further notes that Oregon has adopted rules of evidence that provide a limited hearsay exception for a statement made by a victim of domestic violence to a government official within twenty-four hours of a domestic violence attack, as long as the statement bears sufficient indicia of reliability, which is a determination made by the trial judge. Oregon's hearsay exception is premised on a policy approach that treats domestic violence cases as a form of "ongoing emergency". Statistics show that incidents of domestic violence tend to escalate over time and therefore the mere fact that a single domestic violence attack has ended does not necessarily mean that the emergency has ended, especially when the offender is not in the custody of law enforcement. The recognition of a domestic violence incident as being part of a larger "ongoing emergency" is what distinguishes, and makes admissible as non-testimonial in certain circumstances, what would otherwise be considered inadmissible hearsay.

This measure would help to effectively prosecute domestic violence cases and hold offenders accountable by amending the Hawaii rules of evidence to strike a balance between protecting the constitutional rights of defendants while promoting the safety of domestic violence victims and society at large.

Your Committee has amended this measure by:

- (1) Specifying that the hearsay statement must be non-testimonial and made during an ongoing emergency;
- (2) Specifying that the statement must be made within a period of time not more than twenty-four hours after the incident occurred; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2610, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2610, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3716 (Joint) Labor, Culture and the Arts and Ways and Means on H.B. No. 1698

The purpose and intent of this measure is to amend the employees included in bargaining unit (14) by:

- (1) Retaining state law enforcement officers (LEOs) under bargaining unit (14); and
- (2) Creating a separate bargaining unit (15) for state and county ocean safety and water safety officer (OSOs).

Your Committees received testimony in support of this measure from City and County of Honolulu; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and nine individuals.

Your Committees find that combining the specialized needs of LEOs and OSOs into one bargaining unit has proven to be impractical as they are two separate and distinct occupational classes. LEOs are armed personnel:

- (1) Trained to execute law enforcement services statewide;
- (2) Trained to handle detained persons;
- (3) Who serve arrest warrants; and
- (4) Ensure the compliance of state law in a variety of areas, including airports, courts, harbors, and state lands.

OSOs are not armed and do not provide law enforcement services, but rather are:

- (1) Trained for ocean rescues;
- (2) Emergency medical first responders; and
- (3) Trained for injury prevention.

Your Committees further find that through a separate bargaining unit, the mandatory trainings, certifications, and specialized needs of LEOs and OSOs would be more directly and uniformly addressed. Your Committees note that separation of bargaining unit (14) into two distinct units would not affect the voting structure for the purposes of negotiating a collective bargaining agreement with four hundred thirteen LEO members and four hundred five OSO members, respectively.

Your Committees have amended this measure by:

- (1) Changing the effective date to be upon its approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1698, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1698, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Fevella).

SCRep. 3717 (Joint) Labor, Culture and the Arts and Ways and Means on H.B. No. 2304

The purpose and intent of this measure is to make an emergency appropriation for immediate passage in accordance with article VII, section 9, of the Hawaii State Constitution for collective bargaining unit cost items, salary adjustments, and other cost items for public employees in collective bargaining unit (4) and their excluded counterparts for the fiscal biennium 2019-2021.

Your Committees received testimony in support of this measure from the Department of Budget and Finance; University of Hawai'i; and Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO.

Your Committees find that the collective bargaining cost items and salary adjustments in the agreement negotiated between the State and the exclusive representative for collective bargaining unit (4) and their excluded counterparts was ratified on March 3, 2020.

Accordingly, your Committees have amended this measure by:

- (1) Inserting the required appropriation amounts provided by the Department of Budget and Finance;
- (2) Changing the effective date to upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor, Culture and the Arts and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2304, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2304, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Labor, Culture and the Arts: Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Kahele, Fevella).

SCRep. 3718 Commerce, Consumer Protection, and Health on H.B. No. 1659

The purpose and intent of this measure is to authorize a pharmacy to provide a customized patient medication package to any person upon consent, with a valid prescription, and in compliance with labeling and dispensing requirements.

Your Committee received testimony in support of this measure from the Department of Health and three individuals. Your Committee received comments on this measure from the Department of Public Safety.

Your Committee finds that the management of medications for patients, their family and caregivers, and nursing home staff can be complicated due to changes in medications, pill color, sizes, and dosing. Customized patient medication packaging, strip packaging, or prepackaged pills for multiple chronic conditions can lead to improved medication identification, safety, and ease of administration in long-term care facilities or home dispensing for patients and their caregivers. This measure authorizes a pharmacy to provide customized patient medication packages under certain conditions to promote health and safety.

Your Committee has heard the concerns raised in testimony that three new substances were incorporated under the federal Controlled Substances Act and temporarily scheduled in Hawaii in 2019. The newly added substances are powerful illegal opioids. The Legislature must act to make corresponding amendments to existing state law to support the goals of Hawaii's collaborative Opioid Action Plan and enhance the effectiveness of Hawaii's narcotics enforcement efforts. Accordingly, amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Amending section 329-14, Hawaii Revised Statutes, to add three new substances to the list of Schedule I controlled substances;
- (2) Inserting an effective date of upon approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1659, H.D. 3, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1659, H.D. 3, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Nishihara).

SCRep. 3719 Commerce, Consumer Protection, and Health on H.B. No. 1661

The purpose and intent of this measure is to amend the criteria for emergency examination, release from emergency examination, emergency hospitalization, and release from emergency hospitalization for individuals suffering from a behavioral health crisis.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii Substance Abuse Coalition, Hawaii Psychological Association, Kaiser Permanente Hawai'i, and The Queen's Health Systems. Your Committee received comments on this measure from the Department of the Attorney General and Hawaii Disability Rights Center.

Your Committee finds that a comprehensive mental health response crisis system is needed to serve the dual purposes of supporting individuals suffering from a behavioral health crisis and maintaining public safety. Because the mental health crisis response system has multiple steps for mental health crisis intervention, the Department of Health and various stakeholders, including the Legislature, have been actively evaluating and restructuring the mental health crisis response system. This measure further defines and guides the process that occurs when an individual has been transported to an emergency room or behavioral health crisis center for evaluation and the disposition of the individual once the evaluation has been completed.

Your Committee has amended this measure by:

- (1) Inserting proper statutory references in the findings section of the measure as it relates to the process for emergency admissions;
- (2) Inserting a definition for "behavioral health crisis center" under section 334-1, Hawaii Revised Statutes;
- (3) Clarifying provisions related to emergency examinations for the purposes of consistency, including removing the authority of a psychologist to conduct further examinations and assessments of a patient;
- (4) Clarifying provisions related to emergency hospitalization, including removing the authority of a psychologist to direct a patient to be hospitalized on an emergency basis;
- (5) Clarifying provisions related to the release of emergency hospitalization, including changing a reference from "licensed psychiatric facility" to "psychiatric facility" for the purposes of consistency; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarify and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1661, H.D. 3, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1661, H.D. 3, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 3720 Commerce, Consumer Protection, and Health on H.B. No. 2202

The purpose and intent of this measure is to:

- (1) Clarify that churches granted an exemption from the state laws governing cemeteries and funeral trusts are exempt from all requirements under chapter 441, Hawaii Revised Statutes;
- (2) Allow the director of commerce and consumer affairs to impose any statutory requirement upon an exempt cemetery authority by order; and
- (3) Clarify that an entity exempt as a church under federal tax law is considered a church for purposes of exemption.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by inserting an effective date of upon its approval.

Your Committee received testimony in support of this measure or the proposed S.D. 1 from the Department of Commerce and Consumer Affairs; Episcopal Diocese of Hawai'i; Resurrection of the Lord Catholic Church; Diocese of Honolulu; MYM Services, Inc.; Roman Catholic Church in the State of Hawaii; The Episcopal Church in Hawai'i; Congregation of the Sacred Hearts – United States Province; and forty-five individuals. Your Committee received testimony in opposition to this measure or the proposed S.D. 1 from the Hawaii Funeral & Cemetery Association, Inc.; Hosoi Garden Mortuary, Inc.; Mililani Group, Inc.; Nuuanu Memorial Park; and Borthwick Mortuary.

Your Committee finds the State began to regulate cemeteries in 1967, which placed a harsh financial burden on non-profit cemeteries that were not actively engaged in the business of selling cemetery property. In 1968, the Legislature statutorily authorized exemptions from the bonding and fee requirements of the cemetery and funeral trusts law. Exempt cemetery authorities provide burials for their community and parishioners, rather than operating the cemetery as a business, and therefore would have difficulty complying with the requirements of chapter 441, Hawaii Revised Statutes. This measure codifies the Department of Commerce and Consumer Affairs' Cemetery and Funeral Trusts Program to help it run more efficiently in overseeing cemeteries and to provide clarity for exempt entities regarding the requirements of existing state law. In addition, churches and other non-profit exempt cemetery authorities would continue to be responsible for maintaining and caring for their cemeteries.

Your Committee has amended this measure by adopting the proposed S.D. 1.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2202, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2202, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 7; Ayes with Reservations (Thielen). Noes, none. Excused, none.

SCRep. 3721 (Joint) Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs on H.B. No. 2192

The purpose and intent of this measure is to increase the maximum area for each agricultural shade cloth structure, cold frame, and greenhouse that could qualify the structure for an exemption from building permit and building code requirements.

Your Committees received testimony in support of this measure from the Department of Agriculture; Hawaii Farming, LLC; The Kohala Center; Big Island Produce Asset Holdings LLC; Hawai'i Farm Bureau; Ulupono Initiative; and four individuals.

Your Committees find that this measure is narrowly-tailored to agricultural structures meant for agricultural production. Your Committees further find that this measure will drastically cut construction costs and effectively utilize the open areas currently required between smaller greenhouses. According to testimony received by your Committees, this measure will make farming more productive and profitable for farmers and help Hawaii reach its self-sustaining food production goals.

Your Committees have amended this measure by:

- (1) Adding language granting the right of entry to appropriate county fire departments and building permitting agencies for inspections;
- (2) Adding language subjecting any violation to county enforcement agency and certain fines; and
- (3) Making it effective upon its approval.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2192, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2192, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairs on behalf of the Committees.

Agriculture and Environment: Ayes, 4. Noes, none. Excused, 1 (Ruderman).

Public Safety, Intergovernmental, and Military Affairs: Ayes, 3. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 3722 Ways and Means on H.B. No. 1469

The purpose and intent of this measure is to assist families to save money for the purpose of college attendance:

Specifically, this measure:

- (1) Establishes a state income tax deduction for contributions made to a taxpayer's Hawaii college savings program account;
- (2) Sets limits on the amount of Hawaii college savings program contributions that may be claimed as a tax deduction; and
- (3) Makes nonqualified withdrawals from a taxpayer's Hawaii college savings program account subject to recapture and penalties.

Your Committee received written comments in support of this measure from the Department of Taxation.

Your Committee received written comments in opposition to this measure from the Securities Industry and Financial Markets Association.

Your Committee received written comments on this measure from the Department of Budget and Finance, Tax Foundation of Hawaii, and Savingforcollege.com.

Your Committee finds that authorizing a tax deduction for contributions to any of the various college savings programs offered by other states will further encourage saving money for college attendance and allow families to select a program that is most appropriate for their needs.

Your Committee has amended this measure by:

- (1) Making contributions to any college savings program established under section 529 of the Internal Revenue Code of 1986 deductible from Hawaii adjusted gross income for state tax purposes, instead of limiting deductions to contributions to the Hawaii college savings program;
- (2) Establishing an unspecified adjusted gross income limit to claim the Hawaii adjusted gross income deduction for contributions made to a college savings program;
- (3) Conforming the term "qualified higher education expenses" with existing Hawaii law;
- (4) Allowing a four-year carry-forward of deductions made in excess of annual deduction limits;
- (5) Making the recapture of nonqualified withdrawals subject to federal law, instead of Hawaii law;
- (6) Updating the measure's provisions that specify from which taxable year the measure will apply to reference taxable years beginning after December 31, 2020; and
- (7) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1469, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1469, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 9. Noes, none. Excused, 4 (English, Kahele, Moriwaki, Taniguchi).

SCRep. 3723 Judiciary on H.B. No. 2125

The purpose and intent of this measure is to:

- (1) Make changes to the financial disclosure statute so that the statutory language tracks the capabilities of the Hawaii State Ethics Commission's (Ethics Commission) electronic filing system, including:
 - (A) Changing the Ethics Commission's reporting requirements to require filers to report any clients assisted before state agencies; and
 - (B) Deleting the requirement that disclosures be in long form and short form and instead allowing financial disclosure statements to be filed electronically;
- (2) Repeal the provision that exempts members of the Hawaii Correctional System Oversight Commission from the requirements of the financial disclosure statute; and
- (3) Allow the Ethics Commission, in its discretion, to make changes it deems necessary to its internal procedures or forms to aid in implementing this measure.

Your Committee received testimony in support of this measure from the Hawai'i State Ethics Commission, Common Cause Hawaii, Rainbow Family 808, and four individuals.

Your Committee finds that making the Hawaii Correctional System Oversight Commission members subject to the financial disclosure statute will hold these members to the same accountability standard and requirements as other public officials who have significant discretionary or fiscal powers.

Your Committee has amended this measure by:

- (1) Inserting language to specify the reporting obligation and initial disclosure period for current members of the Hawaii Correctional System Oversight Commission;
- (2) Making it effective upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2125, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2125, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 3724 Judiciary on H.B. No. 2177

The purpose and intent of this measure is to:

- (1) Extend statutory limitations on the time period in which a survivor of childhood sexual abuse may file a civil action to within fifty years of their eighteenth birthday; and
- (2) Specify that the remedies available in civil cases arising from the sexual abuse of a minor may include punitive damages up to two times the amount of compensatory damages and that the court may order restorative justice measures.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which removes the restriction on punitive damages to up to two times the amount of compensatory damages and contains an effective date of January 1, 2021.

Your Committee received testimony in support of the proposed S.D. 1 from the Hawai'i State Commission on the Status of Women, LGBT Caucus of the Democratic Party of Hawai'i, The Sex Abuse Treatment Center, Domestic Violence Action Center, IMUAlliance, American Association of University Women of Hawaii, Freedom from Religion Foundation, Parents and Children Together, Rainbow Family 808, Planned Parenthood Votes Northwest and Hawaii, Hawaii Women's Coalition, Hawaii Association for Justice, and twelve individuals. Your Committee received comments on the proposed S.D. 1 from the Department of the Attorney General.

Your Committee finds that victims of child sex abuse often need decades to come forward due to the trauma from the abuse, inability to process what happened to them, and frequently because they are dependent on the adults who perpetrated or caused the abuse. Studies have shown that age fifty-two is the average age of disclosure for victims of child sex abuse. Your Committee further finds that short statutes of limitations for child sex abuse play into the hands of the perpetrators and the institutions that cover up for them, thereby disabling victims' voices and empowerment. Extending the civil statute of limitations for child sex abuse plaintiffs ensures that justice will be made available to more victims.

Your Committee has amended this measure by adopting the proposed S.D. and further amending this measure by specifying that the court may order restorative justice measures, including victim impact panels, victim impact classes, or community service if requested by the victim.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2177, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2177, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 3725 Judiciary on H.B. No. 2060

The purpose and intent of this measure is to provide that if a court denies a temporary restraining order, protective order, or extended protective order, the court may order upon the oral request of the respondent that the petition record be withheld from public inspection, provided that the record remains accessible to law enforcement officers without a court order.

Your Committee received testimony in support of this measure from the Domestic Violence Action Center, American Association of University Women of Hawaii, Hawaii Women's Coalition, Planned Parenthood Votes Northwest and Hawaii, and eight individuals. Your Committee received testimony in opposition to this measure from Rainbow Family 808. Your Committee received comments on this measure from the Judiciary and Civil Beat Law Center for Public Interest.

Your Committee finds that victims of domestic abuse who petition the courts for temporary restraining orders may face retaliatory acts from their abusers in the form of counter-petitions for the same relief. Even though the retaliatory petitions have no basis in fact, the public record of the petitions can negatively impact the domestic abuse victims' employment and housing prospects and hinder the victims' efforts to gain physical and financial independence from their abusers. This measure permits family court judges to withhold from public inspection any record of a denied temporary restraining order or denied protective order, provided that the records remain accessible to law enforcement officers without a court order.

Your Committee has amended this measure by:

- (1) Clarifying that the person sought to be restrained by the order, in addition to the respondent, may request that the petition record be withheld from public inspection;
- (2) Making it effective upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2060, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2060, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keohokalole).

SCRep. 3726 Judiciary on H.B. No. 1706

The purpose and intent of this measure is to:

- (1) Provide that excess contributions by nonresident contributors shall escheat to the Hawaii Election Campaign Fund if not returned to the contributor within thirty days;
- (2) Amend the allowable uses of campaign funds to include lease vehicles for the duration of a campaign or the purchase or lease of consumer goods, equipment, and services that provide a mixed benefit to the candidate;
- (3) Increase the total amount of campaign funds allowed to be used for donations to any community service, educational, youth, recreational, charitable, scientific, or literary organization and total amount to be used for scholarships to four times the maximum amount that one person may contribute to that candidate; and
- (4) Temporarily allow a candidate who is elected to office to use campaign funds or return funds to contributors until two years following the end of the candidate's term for which the campaign funds were received.

Your Committee received testimony in support of this measure from Common Cause Hawaii and five individuals. Your Committee received comments on this measure from the Campaign Spending Commission and League of Women Voters.

Your Committee finds that under existing law, excess campaign contributions not returned to the contributor within thirty days escheat to the Hawaii Election Campaign Fund; however, contributions from out-of-state contributors are not included in this statutory provision. This measure provides that excess contributions by nonresident contributors shall be returned to a nonresident contributor of the candidate's, candidate committee's, or noncandidate's choosing within thirty days or shall escheat to the Hawaii election campaign fund.

Your Committee has amended this measure by:

- (1) Deleting language that would have:
 - (A) Amended the allowable uses of campaign funds to include lease vehicles for the duration of a campaign or the purchase or lease of consumer goods, equipment, and services that provide a mixed benefit to the candidate;
 - (B) Increased the total amount of campaign funds allowed to be used for donations to any community service, educational, youth, recreational, charitable, scientific, or literary organization and total amount to be used for scholarships to four times the maximum amount that one person may contribute to that candidate; and
 - (C) Temporarily allowed a candidate who is elected to office to use campaign funds or return funds to contributors until two years following the end of the candidate's term for which the campaign funds were received;
- (2) Specifying that any candidate or candidate committee that receives excess nonresident contributions, as determined by the Campaign Spending Commission after the final election period report has been submitted, shall return any excess contribution to one or more nonresident contributors of their choosing within thirty days or else the excess contribution shall escheat to the Hawaii Election Campaign Fund;
- (3) Inserting an effective date of November 4, 2020;

- (4) Amending section 1 to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1706, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1706, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keohokalole).

SCRep. 3727 Judiciary on S.C.R. No. 154

The purpose and intent of this measure is to request the Attorney General to convene a task force to study the progression of hate crime investigations and prosecutions from the initial police report to the closing of the case and make recommendations on improvements to be made in the prosecution and comprehensive reporting of hate crimes.

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawai'i, Pride at Work – Hawaii, Rainbow Family 808, and eight individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that part IV of chapter 846, Hawaii Revised Statutes, requires the Department of the Attorney General to collect, store, disseminate, and analyze all hate crime data from all agencies that have primary investigative, action, or program responsibility for adult or juvenile offenses, including the county police departments, the county prosecutors, the family courts, and the departments or agencies responsible for administering any correctional facilities. The Attorney General is further required to develop the system and the procedures for reporting, inputting, accessing, and protecting the information concerning the commission of hate crimes and obtaining the agreement of agencies permitted to directly input and access information.

Your Committee also finds that there appears to be a disconnect between the number of crimes initially reported as hate crimes and those that are eventually included in the Attorney General's report. Your Committee believes that there needs to be a better understanding of the process in which crimes initially reported as hate crimes lose the element of hate crime during the investigation and prosecution periods of the case.

Your Committee further finds that a task force may duplicate and potentially interfere with ongoing efforts of the Department of the Attorney General. Therefore, your Committee has amended this measure by:

- (1) Deleting all references to the convening of a task force to study the progression of hate crime investigations and prosecutions from the initial police report to the closing of the case;
- (2) Inserting language to request the Attorney General to submit a preliminary and final report to the Legislature on the reporting, investigation, and prosecution of hate crimes in the State; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 154, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 154, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3728 (Joint) Hawaiian Affairs and Transportation on S.R. No. 124

The purpose and intent of this measure is to urge the Department of Hawaiian Home Lands, Department of Transportation Highways Division, and Hawaii County, including the Hawaii County Department of Public Works, Hawaii County Civil Defense Agency, Hawaii Police Department, and Hawaii Fire Department, to collectively develop a plan to improve Mealani Road and establish a protocol to use Mealani Road as an emergency bypass route when Mamalahoa Highway is inaccessible.

Your Committees received testimony in support of this measure from the Department of Transportation, Department of Hawaiian Home Lands, and one individual.

Your Committees find that maintaining road access during disasters and emergency road closures is of critical importance for public safety. Mamalahoa Highway is the only road that provides entry and exit from the east side of the town of Waimea in Hawaii County. Closures of Mamalahoa Highway have caused significant problems for residents and commuters trying to access school, work, church, the post office, stores, and their homes. Therefore, there is a need for an emergency bypass route for the east side of Waimea when Mamalahoa Highway is inaccessible and Mealani Road is the only potential emergency bypass route available. For public safety reasons, the Mealani Road should be improved for use as an emergency bypass route.

Your Committees note the testimony of the Department of Hawaiian Home Lands that it has already been in discussion with the County of Hawaii about the use of Mealani Road during emergencies. Besides funding, Hawaii County enforcement of speeding and driving or passing on the shoulder and negative impacts to the Hawaiian Homes communities are concerns. Therefore, the Department of Hawaiian Home Lands recommends that there should be a protocol that ensures that beneficiaries who are directly or indirectly impacted are consulted in the planning process prior to any decision being made by the various agencies relating to the emergency use of Mealani Road.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Transportation that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 124, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 124, S.D. 1.

Signed by the Chairs on behalf of the Committees.
 Hawaiian Affairs: Ayes, 4. Noes, none. Excused, 1 (Ihara).
 Transportation: Ayes, 3. Noes, none. Excused, 2 (English, Harimoto).

SCRep. 3729 (Majority) Judiciary on H.B. No. 2744

The purpose and intent of this measure is to:

- (1) Establish the Gun Violence and Violent Crimes Commission to address gun violence and violent crimes in Hawaii;
- (2) Make it a class C felony to purchase, manufacture, or otherwise obtain firearm parts for the purpose of assembling a firearm having no serial number; and
- (3) Amend certain requirements relating to firearms registration.

Prior to decision-making on this measure, your Committee posted and made available for public review a proposed S.D. 2, which amends this measure by:

- (1) Deleting language that would have exempted the Gun Violence and Violent Crimes Commission from the state Sunshine Law; and
- (2) Inserting an effective date of January 1, 2021.

Your Committee received testimony in support of the proposed S.D. 2 from the Honolulu Police Department, Moms Demand Action, Civil Beat Law Center for the Public Interest, Church of the Crossroads, Hawaii Professional Chapter of the Society of Professional Journalists, and twenty-eight individuals. Your Committee received testimony in opposition to the proposed S.D. 2 from the Hawaii Republican Party, Hawaii Rifle Association, National Rifle Association of America, Schofield Rod and Gun Club, Hawaii Firearms Coalition, one hundred six individuals, and form letters from one hundred forty-eight individuals. Your Committee received comments on the proposed S.D. 2 from the Department of the Attorney General and one individual.

Your Committee finds that gun violence and violent crimes continue to be a major concern of the State. Your Committee believes that a state entity responsible for research and coordination of preventative measures against gun violence and violent crimes is necessary to provide a safe environment for residents and visitors of the State.

Your Committee also finds that the State currently lacks laws addressing firearms that are assembled without serial numbers or other identification markings, also known as "ghost guns". These firearms may be assembled from a prepackaged kit or three-dimensional printer requiring only minimal expertise and, thus, bypass the State's otherwise strict firearm permitting and registration laws. This measure prohibits the manufacture, purchase, or obtaining of firearm parts for the purpose of assembling a firearm having no serial number to ensure public safety.

Your Committee has amended this measure by adopting the proposed S.D. 2 and further amending the measure by:

- (1) Specifying that the Gun Violence and Violent Crimes Commission shall submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than forty days prior to the convening of the Regular Session of 2022 and each Regular Session thereafter, on policy relating to preventing gun violence and violent crimes;
- (2) Making it effective upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2744, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2744, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.
 Ayes, 4; Ayes with Reservations (Gabbard). Noes, 1 (Fevella). Excused, none.

SCRep. 3730 (Joint) Hawaiian Affairs and Agriculture and Environment on S.R. No. 69

The purpose and intent of this measure is to urge the Department of Hawaiian Home Lands to convene a task force with the Department of Land and Natural Resources, Department of Agriculture, Invasive Species Council, and other interested parties to develop a comprehensive mitigation plan with short and long term solutions to address the spread and eradication of gorse on Hawaii Island and to explore potential commercial opportunities for the use of gorse.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources and two individuals. Your Committees received comments on this measure from the Department of Hawaiian Home Lands and Department of Agriculture.

Your Committees find that gorse, an invasive plant species, is a rapidly spreading blight affecting over twenty percent of the Aina Mauna lands, rendering the affected land nearly useless, and causing potentially irreversible harm to the environment. Gorse seeds remain viable in the soil for up to seventy years, while unmanaged ungulate populations and limited removal efforts continue to allow its spread, creating an ecological crisis that must be addressed with comprehensive short and long term solutions. Your Committees further find that there may be commercial applications in harvesting gorse, including use as feedstock, oils, and biofuel that could be used by energy facilities, as well as the potential for sustainable native forestry operations on the island. This measure urges the convening of a task force, which may help to address the spread of and eradication of gorse on Hawaii island.

Your Committees note that the task force should be open to other groups and stakeholders.

Your Committees have amended this measure by:

- (1) Incorporating changes proposed by the Department of Hawaiian Home Lands; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Agriculture and Environment that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 69, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 69, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Hawaiian Affairs: Ayes, 4. Noes, none. Excused, 1 (Ihara).

Agriculture and Environment: Ayes, 3. Noes, none. Excused, 2 (Ruderman, Thielen).

SCRep. 3731 Commerce, Consumer Protection, and Health on H.B. No. 1854

The purpose and intent of this measure is to:

- (1) Authorize the Department of Agriculture, in conjunction with the Hawaii Ant Lab, to identify best practices for the treatment of little fire ants;
- (2) Require the Department of Agriculture to post those best practices on its website;
- (3) Add any application that may defeat the best practices for the treatment of little fire ants, as identified by the Department of Agriculture, to the prohibited acts of pesticides; and
- (4) Clarify that training for invasive species be based on the best available technology and best practices in a manner consistent with state and federal laws.

Your Committee received testimony in support of this measure from the Department of Agriculture, Hawaii Pest Control Association, and one individual.

Your Committee finds that invasive species, including little fire ants, are a primary threat to Hawaii's agriculture and economy. The Hawaii Ant Lab's dual approach of applying insect growth regulators followed by a barrier treatment for treating little fire ants has been successful in controlling infestations on properties of homeowners and farmers. Because infestation treatments are continually changing and advancing, this measure authorizes the Department of Agriculture, in conjunction with the Hawaii Ant Lab, to identify and promulgate best practices, and to prohibit certain acts that may interfere with those best practices, to help support the treatments that have been proven to be successful in dealing with this invasive species.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1854, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Ruderman).

SCRep. 3732 Water and Land on S.C.R. No. 27

The purpose and intent of this measure is to authorize the issuance of a term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (1) 3-1-041:seaward of 025, Kaalawai, Honolulu, Oahu, for the existing seawall, and for use, repair, and maintenance of the existing improvements constructed thereon pursuant to section 171-53, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee further finds that on April 13, 2018, under agenda item D-7, the Board of Land and Natural Resources approved a grant of a fifty-five-year non-exclusive easement to resolve the encroachment of the seawall area identified in this measure. Your Committee notes that the grantee has paid the fair market value of the easement. Your Committee concludes that the easement is necessary for the maintenance and repair of the existing seawall and for the use, repair, and maintenance of the existing improvements thereon.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 27 and recommends that it be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3733 Water and Land on S.C.R. No. 28

The purpose and intent of this measure is to authorize the issuance of a term, non-exclusive easement covering a portion of state submerged lands located at Waimanalo, Koolaupoko, Oahu and identified as Tax Map Key: (1) 4-1-001:seaward of 011 for the existing pier, seawall, and steps and for use, repair, and maintenance of the existing improvements constructed thereon pursuant to section 171-53, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee further finds that on January 13, 2017, under agenda item D-14, the Board of Land and Natural Resources approved a grant of a fifty-five-year non-exclusive easement to resolve the encroachments of the existing pier, seawall, and steps identified in this measure. Your Committee notes that the grantee will be required to pay the State the fair market value of the easement. Your Committee concludes that the easements are necessary for the maintenance and repair of the existing pier, seawall, and steps and for the use, repair, and maintenance of the existing improvements thereon.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 28 and recommends that it be referred to your Committee on Judiciary.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3734 (Joint) Commerce, Consumer Protection, and Health and Ways and Means on H.B. No. 2590

The purpose and intent of this measure is to:

- (1) Establish within the Department of Transportation an autonomous vehicles testing pilot program;
- (2) Require a report to the Legislature; and
- (3) Appropriate funds.

Prior to the hearing on this measure, your Committees posted and made available for public review a proposed S.D. 2, which amends this measure by deleting language that would have appropriated funds to the department of transportation.

Your Committees received testimony in support of the proposed S.D. 2 from the Department of Transportation, City and County of Honolulu Department of Transportation Services, Hawai'i State Council on Developmental Disabilities, Hawaii Automobile Dealers' Association, Alliance for Automotive Innovation, and Ulupono Initiative. Your Committee received testimony in opposition to this measure from one individual.

Your Committees find that, according to the United States Department of Transportation, more than thirty-seven thousand people were killed on U.S. roadways in 2017, with human error accounting for more than ninety-four percent of those fatalities. Vehicles equipped with automated driving systems can ultimately reduce the severity and number of vehicle crashes, improve road safety while saving consumers time and money, reduce pollution, dramatically expand mobility for individuals with disabilities, and facilitate better land use in urban settings. This measure enables the State to test automated driving technology to ensure public roads are as safe as possible for automated vehicle deployment.

Your Committees have amended this measure by adopting the proposed S.D. 2 and further amending this measure by inserting an effective date of upon approval.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2590, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 2590, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees.
Commerce, Consumer Protection, and Health: Ayes, 4. Noes, none. Excused, 3 (Ruderman, Wakai, Fevella).
Ways and Means: Ayes, 10. Noes, none. Excused, 3 (Harimoto, Moriwaki, Fevella).

SCRep. 3735 (Joint) Commerce, Consumer Protection, and Health and Ways and Means on H.B. No. 2002

The purpose and intent of this measure is to:

- (1) Establish requirements and permitting procedures for transportation network companies operating in the State; and
- (2) Make permanent insurance requirements for transportation network companies and transportation network drivers.

Your Committees received testimony in support of this measure from the City and County of Honolulu Department of Customer Services; Uber Technologies, Inc.; Lyft; and five individuals.

Your Committees find that the City and County of Honolulu has attempted to apply umbrella rules that govern both taxi operations and transportation network companies, which has proven to be challenging and has resulted in fractured and inconsistent operations, especially in the areas of insurance requirements, fee transparency, and other issues. Further, transportation network companies operate with the same system on all islands across the State, but the rules on each island differ, which can be confusing for the public as they travel from island to island. This measure would provide uniform regulations for transportation network companies throughout all of Hawaii to ensure that safe, reliable, and affordable rides are available for all across the State.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2002, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 2002, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees.
Commerce, Consumer Protection, and Health: Ayes, 5. Noes, none. Excused, 2 (Ruderman, Fevella).
Ways and Means: Ayes, 11. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 3736 (Majority) Judiciary on H.B. No. 2292

The purpose and intent of this measure is to regulate the sale and use of electric guns within constitutional limits. Specifically, this measure:

- (1) Repeals the existing law that bans electric guns;
- (2) Establishes new law that restricts the ownership, use, storage, and disposal of electric guns; regulates the sale, distribution, and transfer of electric guns; requires training and education on electric guns; prohibits certain individuals from the possession and use of electric guns; and prohibits the carrying or use of electric guns in the commission of crimes;
- (3) Establishes permitting requirements to acquire electric projectile guns; and
- (4) Establishes registration requirements for all electric guns.

Prior to decision-making on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by:

- (1) Changing the legal age at which a person may purchase, receive, own, possess, or control an electric gun to twenty-one years of age; and
- (2) Making it effective upon its approval.

Your Committee received testimony in support of the proposed S.D. 1 from the Department of the Attorney General, Department of Transportation, Honolulu Police Department, and six individuals. Your Committee received testimony in opposition to the proposed S.D. 1 from the Hawaii Firearms Coalition, thirty-nine individuals, and form letters from ninety-five individuals. Your Committee received comments on the proposed S.D. 1 from one individual.

Your Committee finds that the United States Supreme Court decision in *Caetano v. Massachusetts*, 136 S. Ct. 1027 (2016), which overruled a decision of the Massachusetts Supreme Judicial Court, has raised questions regarding the constitutionality of complete bans on electric guns. Your Committee further finds that a pending lawsuit in the United States District Court for the District of Hawaii, *Roberts v. Ballard*, 18-00125 HG-KSC, is seeking a declaratory judgment and injunction to invalidate Hawaii's electric gun ban. If Hawaii's electric gun ban is invalidated by the courts, there will be no regulations on the purchase, possession, and use of electric guns by the public. In light of this, your Committee finds that it is advisable to make amendments to Hawaii's law on electric guns.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Specifying that "electric gun" includes but is not limited to electric projectile guns and devices commonly referred to as stun guns;
- (2) Specifying that "licensee" means a person licensed to sell, offer to sell, or otherwise transfer or distribute electric guns and cartridges;
- (3) Clarifying that the police department shall perform a fingerprint-based background check pursuant to section 846-2.7, Hawaii Revised Statutes, before any determination to register an electric gun is made to make background checks for electric gun registrations consistent with those for permits to purchase electric projectile guns and to comport with federal requirements;
- (4) Inserting language to require that the person registering an electric gun shall have the electric gun physically inspected by the chief of police at the time of registration, and if the person registering an electric gun is prohibited from owning, possessing, or controlling an electric gun, the registration shall be denied and the electric gun shall be surrendered to the chief of police or the chief of police's designee for disposal;
- (5) Inserting language to require that for any non-projectile electric gun that is not required to be registered and has no serial number, an application for a permit shall be completed and a serial number shall be created but no permit shall be issued;
- (6) Including references to electric gun cartridges throughout; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2292, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2292, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, 1 (Fevella). Excused, none.

SCRep. 3737 Public Safety, Intergovernmental, and Military Affairs on Gov. Msg. Nos. 820, 821, and 822

Recommending that the Senate advise and consent to the nominations of the following:

ADVISORY BOARD ON VETERANS' SERVICES

G.M. No. 820 MICHAEL LILLY, for a term to expire 06-30-2024;

G.M. No. 821 MARY HERTOOG, for a term to expire 06-30-2023; and

G.M. No. 822 REYN KAUPIKO, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Michael Lilly, Mary Hertog, and Reyn Kaupiko for service on the Advisory Board on Veterans' Services.

MICHAEL LILLY

Your Committee received testimony in support of the nomination for the reappointment of Michael Lilly from the Office of Veterans Services and one individual.

Upon review of the testimony, your Committee finds that Mr. Lilly's professional experience and military background qualify him for reappointment to the Advisory Board on Veterans' Services. Your Committee notes that Mr. Lilly has an extensive military and legal background. Mr. Lilly served in Vietnam and retired as a Naval Reserve Captain after thirty years of service. He also served as the State's Attorney General and First Deputy Attorney General and spent thirty-four years as a partner in the Honolulu law firm of Ning, Lilly, and Jones. Mr. Lilly has received numerous awards and honors, including the Legion of Merit, Defense Meritorious Service Medal, and the Helen Kinau Wilder Friendship Award. Your Committee further finds that Mr. Lilly has a thorough understanding of the role and responsibilities of the Advisory Board on Veterans' Services. Your Committee therefore recommends that Mr. Lilly be reappointed to the Advisory Board on Veterans' Services based on his legal background, commitment to the military, and dedication to public service.

MARY HERTOG

Your Committee received testimony in support of the nomination for the appointment of Mary Hertog from the Office of Veterans' Services and one individual. Your Committee received testimony in opposition to the nomination for the appointment of Mary Hertog from one individual.

Upon review of the testimony, your Committee finds that Ms. Hertog's background and dedication to serving the public qualify her to be appointed to the Advisory Board on Veterans' Services. Your Committee notes that Ms. Hertog has over thirty years of experience in the Air Force. Ms. Hertog began her career in the Air Force in 1978 as an ROTC distinguished graduate. She later moved up the ranks and retired in 2012 as a Major General. Prior to retirement, Ms. Hertog was the Director of the Sexual Assault Prevention and Response Office. Ms. Hertog has received numerous awards and honors, including the Legion of Merit, Air Force Outstanding Unit Award, Air Force Organizational Excellence Award, and Armed Forces Expeditionary Medal. Your Committee further finds that Ms. Hertog is also dedicated to community service as she currently serves on multiple community organizations, including the Kauai Veterans Council, State of Hawaii Disabled American Veterans Organization, and Kauai Police Commission. Your Committee therefore recommends that Ms. Hertog be appointed to the Advisory Board on Veterans' Services based on her commitment to the military and dedication to public service.

REYN KAUPIKO

Your Committee received testimony in support of the nomination for the appointment of Reyn Kaupiko from the Office of Veterans Services, United States Naval Academy Alumni Association Hawaii Chapter, Hawaii Kai Community Church, and eighteen individuals.

Upon review of the testimony, your Committee finds that Mr. Kaupiko's background and dedication to serving the public qualify him to be appointed to the Advisory Board on Veterans' Services. Your Committee notes that Mr. Kaupiko graduated from the United States Naval Academy in 2007 and proceeded to enlist in the United States Navy where he served for five years. During his career in the Navy, Mr. Kaupiko worked as a Surface Warfare Officer and as a Communications Manager and Electrical Manager. Mr. Kaupiko is currently a Construction Estimator at Dawson Federal, Inc. Prior to working at Dawson Federal, Inc., Mr. Kaupiko was the Operations Manager at Young Brothers, LLC. Your Committee finds that Mr. Kaupiko has a thorough understanding of the role and responsibilities of the Advisory Board on Veterans' Services and his experience in the Navy will enhance the effectiveness of the Advisory Board. Your Committee therefore recommends that Mr. Kaupiko be appointed to the Advisory Board on Veterans' Services based on his knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 1 (Fevella).

SCRep. 3738 Judiciary on H.B. No. 2573

The purpose and intent of this measure is to authorize a prosecution for sex trafficking to be commenced at any time.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by:

- (1) Repealing the criminal statute of limitations for sex trafficking and promoting prostitution;
- (2) Specifying that sex trafficking of a minor is a strict liability offense;
- (3) Designating the offense of solicitation of a minor for prostitution as sex trafficking;
- (4) Including coercion to engage in prostitution as a means by which to commit the offense of sex trafficking; and
- (5) Making it effective upon its approval.

Your Committee received testimony in support of the proposed S.D. 1 from the Department of the Attorney General, City and County of Honolulu Department of the Prosecuting Attorney, Honolulu Police Department, Parents and Children Together, Hawaii Psychological Association, IMUAlliance, Rainbow Family 808, Ho'ola Na Pua, and nine individuals. Your Committee received testimony in opposition to the proposed S.D. 1 from the Office of the Public Defender, Harm Reduction Hawaii, and one individual.

Your Committee finds that a disproportionately low number of sex trafficking offenses that occur in the State are prosecuted in court due in significant part to the fact that most sex trafficking victims delay reporting the crimes committed against them, and many do not report the crimes at all. Most victims delay their reports until after they have been removed from their traffickers and the corresponding living conditions, and many don't speak out until they undergo trauma-informed care and counseling. Your Committee finds that prosecutors should have the power to pursue a criminal case for sex trafficking regardless of when the offense was committed.

Your Committee further finds that existing state law does not identify solicitation of a minor for prostitution as a form of sex trafficking, but under title 18 United States Code section 1591, federal law recognizes offering to engage in sexual activity with a minor for anything of value as a form of sex trafficking. Your Committee finds that it is necessary to protect Hawaii's children from sexual exploitation by designating the solicitation of a minor for prostitution as a form of sex trafficking under state law.

Your Committee has amended this measure by adopting the proposed S.D. 1 and furthering amending it by including knowingly offering or agreeing to consideration or the promise of consideration to a third person pursuant to an understanding that such compensation is in exchange for engaging in sexual conduct with a minor under the offense of sex trafficking.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2573, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2573, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 3739 Judiciary on H.B. No. 1673

The purpose and intent of this measure is to:

- (1) Restore statutory language to clarify that the fair treatment law does not prohibit a legislator from introducing legislation, serving on a committee, making statements, or taking action in the exercise of the legislator's legislative functions;
- (2) Clarify that every legislator must publicly disclose the nature and extent of the interest or transaction that the legislator believes may be affected by the legislator's official action in accordance with section 84-17, Hawaii Revised Statutes, and the rules of each house of the legislature; and
- (3) Require that each house of the Legislature adopt rules regarding the disclosure of the nature and extent of any interest or transaction that the legislator believes may be affected by the legislator's official action.

Your Committee received testimony in support of this measure from the Hawaii State Ethics Commission, Common Cause Hawaii, and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that Act 208, Session Laws of Hawaii of 2012, amended the Fair Treatment law of the state Ethics Code, section 84-13, Hawaii Revised Statutes (section 84-13), by changing the phrase "legislative functions," which is derived from article III, section 7 of the Hawaii State Constitution, to "official action", which is defined by section 84-3, Hawaii Revised Statutes. This measure would restore the language that was in statute prior to 2012; however, your Committee finds that this proposed change is unnecessary. The Hawaii State Ethics Commission suggests that the exception provided by subsection (b) of section 84-13, might be read to swallow the rules of fair treatment in subsection (a), such that legislators could argue they are not bound by subsection (a) at all. However, your Committee believes that the exception in subsection (b) is a narrow one, designed only to accommodate the legislative immunity clause of article III, section 7 of the Hawaii State Constitution.

Your Committee finds that subsection (b) does not exempt legislators from the general rule that state officials shall not use or attempt to use their official position to secure unwarranted treatment for themselves or others. For example, if a legislator were to direct a legislative employee to conduct campaign activities on state time, that act would violate the Fair Treatment law, section 84-13(a). Similarly, if a legislator were to use the legislator's legislative allowance for campaign purposes or engage in a substantial financial transaction with a subordinate, such acts would likewise violate section 84-13(a), notwithstanding subsection (b). The Legislature's intent is already clear that subsection (b) is designed to protect a legislator from those core legislative functions contemplated by article III, section 7 of the Hawaii State Constitution, but does not insulate a legislator from engaging in the prohibited actions set forth in subsection (a).

Your Committee also finds that this measure should further clarify the rulemaking responsibilities of the Hawaii State Ethics Commission and the Legislature, tasking the former with adopting rules relating to the Fair Treatment law generally and the latter with rules on how legislators are to disclose potential conflicts of interests, consistent with legislators' constitutional authority, by ensuring that rules of the Hawaii State Ethics Commission are applicable until the time at which each house of the Legislature has adopted its own rules regarding disclosures of interests.

Accordingly, your Committee has amended this measure by:

- (1) Retaining the existing statutory language that refers to taking official action as a legislator;
- (2) Specifying that rules adopted by the Hawaii State Ethics Commission shall apply until each house of the Legislature adopts its own rules regarding disclosures of interests and transactions; and
- (3) Making it effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1673, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1673, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3740 Commerce, Consumer Protection, and Health on H.B. No. 1805

The purpose and intent of this measure is to:

- (1) Require prescription drug manufacturers to notify prescription drug benefit plans and pharmacy benefit managers if a proposed increase in the wholesale acquisition cost of certain drugs would result in a percentage increase of ten percent or more than the percentage change in the Consumer Price Index over a two-year period; and
- (2) Require the drug manufacturer to identify and report to the insurance commissioner information on certain drugs whose wholesale acquisition cost increases by a certain amount during a specified time frame.

Your Committee received testimony in support of this measure from Kaiser Permanente Hawai'i, AARP Hawai'i, and four individuals. Your Committee received testimony in opposition to this measure from Pharmaceutical Research and Manufacturers of America. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs and the Hawaii Employer-Union Health Benefits Trust Fund Board of Trustees.

Your Committee finds that one of the greatest threats to the affordability of health care coverage is the pharmaceutical industry's pricing of new and existing medications. New drugs are being approved and marketed with higher prices than their predecessor treatments, often with no difference in effectiveness or safety. Moreover, because individuals are required to buy health care, and public and private purchasers are required to cover a medication that has been approved by the Food and Drug Administration when one is available for a patient's condition, there is a compelling public interest for drug manufacturers to be required to provide a rationale as to how they arrived at a particular price. This measure helps shed light on manufacturer pricing practices and will assist purchasers and policy makers better understand large and growing prescription drug expenses.

Your Committee has heard the concerns raised in testimony that this measure as written does not address the impact of rebates on pricing. Therefore, amendments to this measure are necessary to address these concerns.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that drug manufacturers shall notify prescription drug benefit plans and pharmacy benefit managers if a planned rebate reduction will result in a percentage increase of the net cost of the prescription drug of ten percent or more, even if there is no change to the wholesale acquisition cost; and
- (2) Making technical, nonsubstantive, and conforming amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1805, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1805, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Nishihara).

SCRep. 3741 Commerce, Consumer Protection, and Health on Gov. Msg. No. 825

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF DIRECTORS OF THE HAWAII HEALTH SYSTEMS CORPORATION

G.M. No. 825 KEVAN WONG, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by Kevan Wong for service on the Board of Directors of the Hawaii Health Systems Corporation.

Your Committee received testimony in support of the nomination for the appointment of Kevan Wong from the Hawaii Health Systems Corporation; Hawaii Health Systems Corporation, Oahu Region; and four individuals. Your Committee received testimony in opposition to the nomination for the appointment of Kevan Wong from one individual.

Upon review of the testimony, your Committee finds that Mr. Wong's background and dedication to serving the public qualify him to be appointed to the Board of Directors of the Hawaii Health Systems Corporation. Your Committee notes that Mr. Wong is currently the State Legislative Liaison for Honolulu and Special Assistant to the Mayor in the Office of the Managing Director of the City and County of Honolulu and has served in various capacities as a staff member of the Hawaii State House of Representatives. Mr. Wong is also highly active in the community through a variety of initiatives, including the Aina in Schools Farm to School Initiative, Earth Day Canal Cleanups, and Mo'ilili Community Center Painting Project. Your Committee finds that Mr. Wong has a thorough understanding of the role and responsibilities of board members and his extensive experience in legislative affairs from the state and county perspectives will enhance the effectiveness of the Board of Directors of the Hawaii Health Systems Corporation. Your Committee therefore recommends that Mr. Wong be appointed to the Board of Directors of the Hawaii Health Systems Corporation based on his knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 3742 Commerce, Consumer Protection, and Health on Gov. Msg. No. 826

Recommending that the Senate advise and consent to the nomination of the following:

DISABILITY AND COMMUNICATION ACCESS BOARD

G.M. No. 826 GERALD OHTA, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Gerald Ohta for service on the Disability and Communication Access Board.

Your Committee received testimony in support of the nomination for the appointment of Gerald Ohta from the Disability and Communication Access Board and six individuals.

Upon review of the testimony, your Committee finds that Mr. Ohta's background and dedication to serving the public qualify him to be appointed to the Disability and Communication Access Board. Your Committee notes that Mr. Ohta is currently the Affirmative Action Officer in the Office of Planning, Policy, and Program Development for the Hawaii State Department of Health and has served as the State Agency Representative and Vice-Chair of the State Language Access Advisory Council. Mr. Ohta is also highly active in the community as a member of the American Public Health Association and Hawaii Public Health Association. Your Committee finds that Mr. Ohta has a thorough understanding of the role and responsibilities of board members and his extensive experience in language access and public health will enhance the effectiveness of the Disability and Communication Access Board. Your Committee further notes that according to testimony from the Disability and Communication Access Board, Mr. Ohta has been designated to serve on the Board as an individual with a disability. Your Committee therefore recommends that Mr. Ohta be appointed to the Disability and Communication Access Board based on his knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 3743 Commerce, Consumer Protection, and Health on Gov. Msg. No. 831

Recommending that the Senate advise and consent to the nomination of the following:

RADIOLOGIC TECHNOLOGY BOARD

G.M. No. 831 LORI OKUDA, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Lori Okuda for service on the Radiologic Technology Board.

Your Committee received testimony in support of the nomination for the reappointment of Lori Okuda from the Department of Health and one individual. Your Committee received testimony in opposition to the nomination for the reappointment of Lori Okuda from one individual.

Upon review of the testimony, your Committee finds that Ms. Okuda's background and dedication to serving the public qualify her to be reappointed to the Radiologic Technology Board. Your Committee notes that Ms. Okuda is the Lead Dual-Energy X-ray Absorptiometry Technologist at Adventist Health Castle and has practiced as in the radiologic technology field for over forty years. Ms. Okuda previously served as a member of the Board and has extensive experience and advanced certifications in the areas of mammography, computed tomography, magnetic resonance imaging, and bone densitometry. Ms. Okuda is also highly active in the community, having served in various leadership roles with the Hawaii Society of Radiologic Technologists. Your Committee finds that Ms. Okuda has a thorough understanding of the role and responsibilities of board members and her extensive experience in radiology will enhance the effectiveness of the Radiologic Technology Board. Your Committee therefore recommends that Ms. Okuda be reappointed to the Radiologic Technology Board based on her knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 3744 Commerce, Consumer Protection, and Health on Gov. Msg. No. 850

Recommending that the Senate advise and consent to the nomination of the following:

MENTAL HEALTH AND SUBSTANCE ABUSE, HAWAI'I SERVICE AREA BOARD

G.M. No. 850 RENEE RIVERA, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Renee Rivera for service on the Mental Health and Substance Abuse, Hawai'i Service Area Board.

Your Committee received testimony in support of the nomination for the appointment of Renee Rivera from the Department of Health and three individuals.

Upon review of the testimony, your Committee finds that Ms. Rivera's background and dedication to serving the public qualify her to be appointed to the Mental Health and Substance Abuse, Hawai'i Service Area Board. Your Committee notes that Ms. Rivera recently graduated from the University of Hawaii at Hilo with a Bachelor's degree in Sociology and will be entering the Master of Social Work Program at the University of Hawaii at Manoa this fall. According to testimony from the Department of Health, despite having experienced severe mental illness and substance abuse addiction for several years, Ms. Rivera was able to graduate from college, reunite with her three children, and live a productive and fulfilled life. Ms. Rivera is also highly active in the community, mentoring justice-involved women through the Going Home Hawaii Program. Your Committee finds that Ms. Rivera is motivated to help other individuals who are struggling with mental illness and substance abuse addiction and will enhance the effectiveness of the Mental Health and Substance Abuse, Hawai'i Service Area Board. She would serve in the consumer of mental health services segment of the Board, pursuant to section 334-11, Hawaii Revised Statutes. Your Committee therefore recommends that Ms. Rivera be appointed to the Mental Health and Substance Abuse, Hawai'i Service Area Board based on her experience, background, and willingness to serve the public.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 3745 Commerce, Consumer Protection, and Health on Gov. Msg. No. 851

Recommending that the Senate advise and consent to the nomination of the following:

STATE COUNCIL ON MENTAL HEALTH

G.M. No. 851 CHARLEEN CROZIER, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Charleen Crozier for service on the State Council on Mental Health.

Your Committee received testimony in support of the nomination for the reappointment of Charleen Crozier from the Department of Health and one individual. Your Committee received testimony in opposition to the nomination for the reappointment of Charleen Crozier from one individual.

Upon review of the testimony, your Committee finds that Ms. Crozier's background and dedication to serving the public qualify her to be reappointed to the State Council on Mental Health. She would serve in the mandated membership position of an adult with serious mental illness who is or has received mental health services. Your Committee notes that Ms. Crozier is presently a Supported Housing Case Manager for Mental Health Kokua in Wailuku, Maui and has served as a Peer Coach at Mental Health Kokua and Program Assistant at Aloha House Inc. Ms. Crozier has served as a member of the Council since 2018 and has demonstrated a strong desire to assist people who are homeless and living with mental health challenges. Your Committee finds that Ms. Crozier has a thorough understanding of the role and responsibilities of council members and her extensive experience in crisis intervention, peer coaching, and benefit planning will enhance the effectiveness of the State Council on Mental Health. Your Committee therefore recommends that Ms. Crozier be reappointed to the State Council on Mental Health based on her knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 3746 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 832, 834, and 835

Recommending that the Senate advise and consent to the nominations of the following:

STATEWIDE HEALTH COORDINATING COUNCIL

G.M. No. 832 JOSEPH BURKE, for a term to expire 06-30-2023;

G.M. No. 834 ORIANNA SKOMOROCH, for a term to expire 06-30-2024; and

G.M. No. 835 MALIA TALLETT, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Joseph Burke, Orianna Skomoroch, and Malia Tallett for service on the Statewide Health Coordinating Council.

JOSEPH BURKE

Your Committee received testimony in support of the nomination for the reappointment of Joseph Burke from the State Health Planning and Development Agency and two individuals. Your Committee received testimony in opposition to the nomination for the reappointment of Joseph Burke from one individual.

Upon review of the testimony, your Committee finds that Mr. Burke's background and dedication to serving the public qualify him to be reappointed to the Statewide Health Coordinating Council. Your Committee notes that Mr. Burke is currently a Vaccine Pharmacy and Account Specialist for Pfizer Honolulu and Area Account Manager for Wyeth Honolulu and has worked in the

pharmaceutical industry for over twenty-five years. Mr. Burke also has past work experience as a District Business Manager for Pfizer/Wyeth, Area Account Manager for Wyeth, Account Manager for ICL/Fujitsu, and Marketing Specialist for IBM. Your Committee finds that Mr. Burke has a thorough understanding of the role and responsibilities of council members and his extensive experience in the pharmaceutical industry will continue to enhance the effectiveness of the Statewide Health Coordinating Council. Your Committee therefore recommends that Mr. Burke be reappointed to the Statewide Health Coordinating Council based on his knowledge, background, and dedication to public service.

ORIANNA SKOMOROCH

Your Committee received testimony in support of the nomination for the reappointment of Orianna Skomoroch from the State Health Planning and Development Agency and one individual. Your Committee received testimony in opposition to the nomination for the reappointment of Orianna Skomoroch from one individual.

Upon review of the testimony, your Committee finds that Ms. Skomoroch's background and dedication to serving the public qualify her to be reappointed to the Statewide Health Coordinating Council. Your Committee notes that prior to retirement, Ms. Skomoroch served as the Kauai Regional Chief Executive Officer for the Hawaii Health Systems Corporation and Administrator for Kauai Veterans Memorial Hospital and Samuel Mahelona Hospital. Ms. Skomoroch is also highly active in the community, serving on the Hale 'Opio Kauai, Inc. Board of Directors and Kauai Humane Society Board of Directors and as Vice-Chair of the Kauai County Subarea Health Planning Council. Your Committee finds that Ms. Skomoroch has a thorough understanding of the role and responsibilities of council members and her extensive experience in the health care industry will enhance the effectiveness of the Statewide Health Coordinating Council. Your Committee therefore recommends that Ms. Skomoroch be reappointed to the Statewide Health Coordinating Council based on her knowledge, background, and dedication to public service.

MALIA TALLETT

Your Committee received testimony in support of the nomination for the appointment of Malia Tallett from the State Health Planning and Development Agency, Hawai'i Island Native Hawaiian Chamber of Commerce, and one individual.

Upon review of the testimony, your Committee finds that Dr. Tallett's background and dedication to serving the public qualify her to be appointed to the Statewide Health Coordinating Council. Your Committee notes that Dr. Tallett has worked as a physical therapist for over ten years; has work experience in a variety of health care settings; and is the Owner and Physical Therapist for Ke Ola Kino Physical Therapy, LLC. Dr. Tallett is also highly active in the community as a valuable member of the Health Planning Council, Hawai'i County Subarea and the current girls varsity water polo coach at Hilo High School. Your Committee finds that Dr. Tallett has a thorough understanding of the role and responsibilities of council members and the insight she offers based on her years of experience will enhance the effectiveness of the Statewide Health Coordinating Council. Your Committee therefore recommends that Dr. Tallett be appointed to the Statewide Health Coordinating Council based on her knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 3747 Judiciary on H.B. No. 1678

The purpose and intent of this measure is to:

- (1) Prohibit a person from advertising or conducting a live musical performance using false, deceptive, or misleading affiliation, connection, or association with a performing group or a recording group; and
- (2) Enable action against deceptive practices by imposing penalties and private rights of action.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs Office of Consumer Protection and Recording Industry Association of America.

Your Committee finds that over thirty states have passed Truth in Music Advertising laws, and other states utilize general deceptive acts or consumer protection laws to prevent cover bands and imposter performers from misappropriating the intellectual property of other artists. This measure adopts provisions of the model Truth in Music Advertising law to provide protections for Hawaii's performing artists and to protect the public from deceptive acts.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1678, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3748 Judiciary on H.B. No. 1748

The purpose and intent of this measure is to provide that all animal parts, products, or items containing prohibited animal parts or products used in the commission of wildlife trafficking or certain hunting offenses shall be considered contraband to be forfeited to and disposed of by the State.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, City and County of Honolulu Department of the Prosecuting Attorney, Animal Rights Hawai'i, Aloha Animal Advocates, Pono Advocacy, and two individuals.

Your Committee finds that under existing law, there is no express allowance for the forfeiture and disposal of wildlife contraband in the possession of a person who has committed certain wildlife trafficking or hunting offenses. Without forfeiture, such contraband may be placed into circulation on the black market. This measure provides that wildlife contraband shall be forfeited to and disposed of by the State to ensure that violators cannot profit from their crimes.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1748, H.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3749 Judiciary on H.B. No. 2054

The purpose and intent of this measure is to prohibit an employer from:

- (1) Requiring an employee to enter into, as a condition of employment, a nondisclosure agreement that prevents the employee from disclosing or discussing sexual harassment or sexual assault occurring in the workplace, at work-related events, between employees, or between an employer and an employee; and
- (2) Retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Hawaiian Affairs Caucus of the Democratic Party of Hawai'i, LGBT Caucus of the Democratic Party of Hawai'i, Harm Reduction Hawaii, Pride at Work – Hawaii, Planned Parenthood Votes Northwest and Hawaii, American Association of University Women of Hawaii, Hawaii Women's Coalition, Hawai'i Women Lawyers, and nine individuals.

Your Committee finds that nondisclosure agreements that prevent disclosure of sexual assault and sexual harassment as a condition of employment silence victims of sexual harassment, sometimes allowing harassers to continue sexual harassment of other employees. There is also a concern that nondisclosure agreements enable repeat offenders to engage in a pattern of sexual harassment. Your Committee further finds that many victims of sexual assault and harassment do not report it because of fear of retaliation. This measure will help end the silencing of victims by banning nondisclosure agreements that prevent disclosure of sexual assault and harassment and prohibiting employers from retaliating against an employee for disclosing sexual harassment and assault.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2054, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3750 Judiciary on H.B. No. 1701

The purpose and intent of this measure is to:

- (1) Amend the list of protected classes under Hawaii's equal pay statute to make the protections afforded by that section consistent with the state statute that prohibits employment discrimination;
- (2) Clarify the factors that can be used by employers to justify differences in compensation based on seniority, merit, or other non-discriminatory purposes;
- (3) Provide pay transparency by requiring employers to make salary range information available to employees and job candidates, which will help employers manage their pay expenses and encourage pay equity; and
- (4) Update the term "equal work" as used in state non-discrimination statutes, to "substantially similar work", which is the more accurate term used in many other states.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Hawaiian Affairs Caucus of the Democratic Party of Hawai'i, Common Cause Hawaii, Hawaii Appleseed Center for Law and Economic Justice, Planned Parenthood Votes Northwest and Hawaii, Americans for Democratic Action, LGBT Caucus of the Democratic Party of Hawai'i, Hawaii Women's Coalition, Pride at Work – Hawaii, American Association of University Women of Hawaii, Hawaii Children's Action Network Speaks!, and nine individuals. Your Committee received testimony in opposition to this measure from Island Plastic Bags, Inc.; Maui Chamber of Commerce; and Retail Merchants of Hawaii. Your Committee received comments on this measure from Hawai'i Pacific Health, Hawaii Food Industry Association, Chamber of Commerce Hawaii, and The Queen's Health Systems.

Your Committee finds that in 2018, median annual earnings for women in Hawaii were just eighty-three percent of men's earnings, representing a seventeen percent pay gap. Furthermore, native Hawaiian and other Pacific Islander women earn only sixty-two percent of white male earnings nationally. Your Committee believes that Hawaii should be a leader in the area of pay equity and ensure that state law is more protective of pay equity rights than the federal Equal Pay Act of 1963 or Title VII of the Civil Rights Act of 1964. This measure is a significant step toward ensuring that workers of any gender are paid equally for work that is substantially equal with respect to the skill, effort, and responsibility required to perform the work and the conditions under which the work is performed.

Your Committee has amended this measure by:

- (1) Making it effective upon its approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1701, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1701, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3751 Judiciary on H.B. No. 1978

The purpose and intent of this measure is to specify that the family court has jurisdiction in proceedings concerning the custody or guardianship of an immigrant child pursuant to a motion for Special Immigrant Juvenile factual findings requesting a determination that the child was abused, neglected, or abandoned before the age of eighteen for purposes of the federal Immigration and Nationality Act.

Your Committee received testimony in support of this measure from the Judiciary, Department of Human Services, Filipina Advocacy Network, The Legal Clinic, Filipinos for Affirmative Action, and six individuals.

Your Committee finds that federal law provides protections to individuals classified as special immigrant juveniles. Your Committee further finds that, consistent with the practices of other states, the State may assist individuals in claiming special immigrant juvenile status by clarifying that family court has jurisdiction over unmarried individuals under twenty-one years of age for purposes of awarding custody or guardianship pursuant to a motion for factual findings within the meaning of the Immigration and Nationality Act. This measure ensures that family court has jurisdiction concerning the custody or guardianship of an immigrant child pursuant to a motion for Special Immigrant Juvenile factual findings requesting a determination that the child was abused, neglected, or abandoned before the age of eighteen.

Your Committee has amended this measure by making it effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1978, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1978, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3752 (Majority) Judiciary on H.B. No. 2043

The purpose and intent of this measure is to:

- (1) Allow an unlicensed mental health professional, working under the supervision of a licensed mental health professional, to provide mental health treatment or counseling services to minors without parental or legal guardian consent, knowledge, or participation;
- (2) Require a mental health professional to ensure that the covered entity has been notified that minor-initiated mental health treatment or counseling services should not be disclosed; and
- (3) Require a covered entity, upon notification that minor-initiated mental health treatment or counseling services should not be disclosed, to maintain the confidentiality of minor-initiated mental health treatment or counseling services.

Your Committee received testimony in support of this measure from the Department of Health, Mental Health America of Hawai'i, Hawai'i Psychological Association, Democratic Party of Hawai'i, LGBT Caucus of the Democratic Party of Hawai'i, Hawaii Youth Services Network, Hawaii Substance Abuse Coalition, Hawaii Medical Service Association, Planned Parenthood Votes Northwest and Hawaii, Pride at Work – Hawaii, and one individual. Your Committee received testimony in opposition to this measure from ten individuals.

Your Committee finds that Act 13, Session Laws of Hawaii 2018, established a Sexual Orientation Counseling Taskforce to address the concerns of minors seeking counseling on sexual orientation, gender identity, gender expressions, and related behaviors. Your Committee further finds that LGBTQ youth often feel alienated from their parents and other family members or fear revealing their struggles relating to sexual orientation or gender identity to their parents. The ability to find a counselor without having to involve a parent can be especially crucial for youth who are at elevated risk of serious mental health difficulties and suicide. This measure seeks to remove barriers to ensure that all minors seeking mental health care may have access to it.

Your Committee has amended this measure by inserting an effective date of January 30, 2021.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2043, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2043, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 3; Ayes with Reservations (Kim). Noes, 2 (Gabbard, Fevella). Excused, none.

SCRep. 3753 Judiciary on H.B. No. 2317

The purpose and intent of this measure is to protect elders and vulnerable adults from financial exploitation in relation to securities.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Department of Human Services, Securities Industry Association of Hawaii, Securities Industry and Financial Markets Association, and one individual. Your Committee received comments on this measure from the Office of Information Practices and National Association of Insurance and Financial Advisors Hawaii.

Your Committee finds that Americans lose approximately \$2.9 billion annually in media-reported cases of financial exploitation. Furthermore, it is estimated that only one out of every forty-four instances of financial abuse is reported to the authorities. Your Committee further finds that the financial exploitation of the elderly and vulnerable adults has steadily increased during the COVID-19 pandemic. Your Committee additionally finds that the financial consequences for those who fall victim to financial exploitations are

often devastating and irreparable, and can include loss of independence, a reduced quality of life, and even death. This measure will strengthen efforts to address financial exploitation and to help protect elders and vulnerable adults in Hawaii.

Your Committee has amended this measure by making the report of a qualified person to the securities commissioner mandatory in the event that the qualified person believes that financial exploitation of an elder or vulnerable adult may have occurred.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2317, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2317, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3754 Judiciary on H.B. No. 2340

The purpose and intent of this measure is to clarify prohibited actions related to anatomical gifts and the disposition of bodies.

Your Committee received testimony in support of this measure from the Department of Health and University of Hawai'i System.

Your Committee finds that anatomical gifts of human bodies, elected by individuals prior to their death, are vital to the education and training of medical students. This measure will protect vulnerable donors and their loved ones from making anatomical gifts to people or entities other than recipients who are capable of handling bodies with care and respect for legitimate medical or research purposes. Your Committee further finds that this measure will also prevent body donations to people or entities who may not take the necessary steps to create a death certificate and obtain a disposition permit for the body.

Your Committee has amended this measure by:

- (1) Changing the phrase "organ procurement organization" to "procurement organization" throughout the measure;
- (2) Inserting an effective date of January 1, 2021; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2340, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2340, H.D. 2, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3755 Judiciary on H.B. No. 2420

The purpose and intent of this measure is to:

- (1) Clarify the meaning of "program or activity receiving state financial assistance" in section 368-1.5, Hawaii Revised Statutes; and
- (2) Exclude cases within the scope of the Individuals with Disabilities Education Act from the jurisdiction of the Hawaii Civil Rights Commission.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Disability and Communication Access Board, Hawaii Disability Rights Center, National Federation of the Blind, and two individuals.

Your Committee finds that the Hawaii Supreme Court held in *Hawaii Technology Academy and the Department of Education v. L.E. and Hawaii Civil Rights Commission*, 141 Hawaii 147, 407 P.3d 103 (2017), that the Legislature did not intend the Hawaii Civil Rights Commission to have jurisdiction over disability discrimination claims under section 368-1.5, Hawaii Revised Statutes, relating to programs and activities receiving state financial assistance, if protections under section 504 of the Rehabilitation Act, as amended, are applicable. This measure clarifies that it was always the Legislature's intent to give the Commission jurisdiction over these claims to provide a state remedy even when federal protections under section 504 of the Rehabilitation Act of 1973, as amended, are also available. This measure also excludes cases within the scope of the Individuals with Disabilities Education Act from the Hawaii Civil Rights Commission's jurisdiction under section 368-1.5, Hawaii Revised Statutes, to address possible concerns regarding potential duplication of services under the Individuals with Disabilities Education Act, P.L. 101-476, as amended, and the Rehabilitation Act, and their respective appeals processes.

Your Committee has amended this measure by making it effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2420, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2420, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3756 (Majority) Judiciary on H.B. No. 1902

The purpose and intent of this measure is to reduce gun violence in the State by:

- (1) Eliminating the use of large capacity magazines in all types of firearms, not just pistols;

- (2) Prohibiting certain individuals who, as a minor, were diagnosed with behavioral, emotional, or mental disorders from owning firearms unless the person has been medically documented to be no longer adversely affected by the behavioral, emotional, or mental disorder or deemed a danger to themselves or others;
- (3) Prohibiting certain individuals who have been adjudicated by the family court to have committed a certain number of crimes of violence from owning firearms; and
- (4) Requiring records of these diagnoses or adjudications to be made available to law enforcement officials.

Prior to decision making on this measure, your Committee posted and made available for public review a proposed S.D. 2, which amends this measure by:

- (1) Inserting language to exempt magazines possessed by a person who legally possessed or acquired by means of inheritance from someone who legally possessed the magazine prior to the effective date of this measure;
- (2) Deleting language that would have prohibited certain individuals who, as a minor, were diagnosed with behavioral, emotional, or mental disorders from owning firearms unless the person has been medically documented to be no longer adversely affected by the behavioral, emotional, or mental disorder or deemed a danger to themselves or others;
- (3) Deleting language that would have prohibited certain individuals who have been adjudicated by the family court to have committed a certain number of crimes of violence from owning firearms;
- (4) Deleting language that would have required records of such diagnoses or adjudications to be made available to law enforcement officials;
- (5) Amending section 1 to reflect its amended purpose; and
- (6) Making it effective upon its approval.

Your Committee received testimony in support of the proposed S.D. 2 from the Honolulu Police Department, Church of the Crossroads, and twenty-seven individuals. Your Committee received testimony in opposition to the proposed S.D. 2 from the Libertarian Party of Hawaii, Hawaii Rifle Association, National Rifle Association of America, Hawaii Firearms Coalition, Pu'uloa Rifle and Pistol Club, Schofield Rod and Gun Club, Hawaii Hunting Association, Rook Customs, one hundred twenty-two individuals, and form letters from two hundred twenty-three individuals. Your Committee received comments on the proposed S.D. 2 from the Judiciary, Department of the Attorney General, Office of the Public Defender, and two individuals.

Your Committee finds that according to the Giffords Law Center to Prevent Gun Violence, large-capacity magazines have been used in all ten of the deadliest mass shootings that have occurred in the last decade. Large-capacity magazines enable a shooter to fire repeatedly without needing to reload, significantly increasing the shooter's ability to quickly injure and kill large numbers of people. The amount of time a shooter needs to reload a weapon can be a critical factor in allowing would-be victims to escape and for law enforcement or other persons to intervene. This measure improves the State's gun safety laws by prohibiting the new acquisition and use of large-capacity magazines for firearms that can hold more than ten rounds of ammunition.

Your Committee further finds that reasonable regulation of firearms and ammunition is permissible under the United States Constitution. In *District of Columbia v. Heller*, 554 U.S. 570 (2008), the United States Supreme Court for the first time found that the second amendment to the constitution conferred an individual right to bear arms; however it also held that "it is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." *Id.* at 626.

Your Committee has amended this measure by adopting the proposed S.D. 2 and further amending the measure by:

- (1) Deleting language that would have exempted the manufacture, transportation, possession, sale, or rental of blank-firing assault weapons and the weapon's respective attachments by persons authorized or permitted to acquire and possess these weapons or attachments for the purpose of rental for use solely as props for a motion picture, television, or digital video production or entertainment event;
- (2) Inserting language to allow the use of blank-fire detachable ammunition magazines with a capacity in excess of ten rounds for use solely as props for motion picture film or television program production when authorized by the chief of police of the appropriate county and not in violation of federal law; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1902, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1902, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Gabbard). Noes, 1 (Fevella). Excused, none.

SCRep. 3757 Judiciary on H.B. No. 1620

The purpose and intent of this measure is to:

- (1) Require in cases where the defendant is charged with a petty misdemeanor not involving violence or attempted violence where fitness remains an outstanding issue, that the court continue the suspension of the proceedings and commit the defendant to the custody of the Director of Health to be placed in a hospital or other suitable facility for further examination and assessment;
- (2) Amend the requirements for fitness determination hearings, court-appointed examiners, and examination reports;

- (3) Authorize the courts to enter into agreements to divert into residential, rehabilitative, and other treatment those defendants whose physical or mental disease, disorder, or defect is believed to have become or will become an issue in a judicial case; and
- (4) Amend the requirements for appointing qualified examiners to perform examinations for penal responsibility and remove the time requirement for the ordering of the penal responsibility evaluation.

Your Committee received testimony in support of this measure from the Judiciary, Department of Health, and Hawai'i Psychological Association. Your Committee received testimony in opposition to this measure from the City and County of Honolulu Department of the Prosecuting Attorney and one individual. Your Committee received comments on this measure from the Office of the Public Defender and Hawaii Disability Rights Center.

Your Committee finds that there have been significant increases in the number of individuals who are living with mental illness that are arrested and remain in custody while awaiting a psychiatric evaluation of competency. If determined to be legally unfit to proceed with their cases, these individuals continue to remain in custody until restoration of their legal fitness to proceed. Your Committee further finds that the Mental Health Core Steering Committee, a collaboration of the Department of Health and Judiciary, published a Joint Report on January 9, 2020, in which the Committee recommended proposed legislation to divert nonviolent petty misdemeanants living with mental illness from the criminal justice system within days of their arrest, rather than months, to further the goal of crime prevention, ensure appropriate diversion to community treatment, and further the goal of rehabilitation, among other amendments to existing statute. This measure reflects the recommendations of the Mental Health Core Steering Committee to achieve a more efficient and just response in the treatment of individuals with mental disorders within the criminal justice system.

Your Committee further finds that the recommendations of the Hawaii Summit on Improving the Governmental Response to Community Mental Illness hosted by the State Justice Institute, National Center for State Courts, Conference of Chief Justices, and the Conference of State Court Administrators on November 6, 2019, as well as studies such as the 2016-2017 Policy Paper by the Conference of State Court Administrators' "Decriminalization of Mental Illness: Fixing a Broken System", demonstrate that jails nationwide have become the default mental health method of treatment for numerous low-level defendants whose needs could be far more effectively addressed by diversion into behavioral health treatment. These studies demonstrate that because of the high cost of incarceration and the high rate of recidivism because of the lack of treatment, the parties to the case should be allowed to opt out of judicial proceedings by entering into agreements at any stage of the process to reduce time and money and increase community results.

Your Committee has amended this measure by:

- (1) Requiring the Judiciary, in consultation with the prosecuting attorney of each county, to submit a report of its findings and recommendations, including any proposed legislation, on the effectiveness of this measure to the Legislature no later than forty days prior to the convening of the Regular Sessions of 2021, 2022, and 2023;
- (2) Making it effective upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1620, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1620, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3758 Judiciary on H.B. No. 2097

The purpose and intent of this measure is to authorize:

- (1) The Department of Health to consider processes that may allow cannabis or manufactured cannabis products that fail testing to be remediated;
- (2) Licensed dispensaries to manufacture and distribute edible cannabis products under certain conditions; and
- (3) The Department of Health to allow licensed dispensaries to provide educational and scientific information and sponsor events related to medical cannabis.

Your Committee received testimony in support of this measure from the Department of Health, Hawai'i Cannabis Industry Association; Aloha Green Holdings, Inc.; Maui Grown Therapies; Big Island Grown Dispensaries; Community Alliance on Prisons; and six individuals. Your Committee received testimony in opposition to this measure from the Department of Transportation, Honolulu Police Department, Maui Cannabis Conference, Patients Without Time, Malie Cannabis Clinic, Akamai Cannabis Clinic, and twenty individuals. Your Committee received comments on this measure from two individuals.

Your Committee finds that amendments to chapter 329D, Hawaii Revised Statutes, are warranted to clarify legislative intent, ensure smooth administration of the medical cannabis dispensary system law, allow for adequate patient access based on experiences in other states that have a reasonable medical cannabis program, and resolve other issues that have arisen under the existing law. Your Committee further finds that the Department of Health is currently allowing remediation in specific circumstances and this measure clarifies that the Department of Health is authorized to adopt appropriate standards based on current science and best practices.

Your Committee has amended this measure by:

- (1) Clarifying that the Department of Health may authorize other products, including edible cannabis products;
- (2) Clarifying that the term "edible cannabis products" does not include a drug or food, or bottled water as defined and regulated in chapters 328 and 328D, Hawaii Revised Statutes, respectively; and
- (3) Inserting an effective date of January 1, 2021.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2097, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2097, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3759 Judiciary on H.B. No. 2124

The purpose and intent of this measure is to:

- (1) Prohibit certain state officials and employees from representing certain private interests before the State for twelve months after termination from their respective state positions; and
- (2) Subject those who were employed by the State for less than one hundred eighty-one days to the same nondisclosure restrictions as other former employees.

Your Committee received testimony in support of this measure from the Hawai'i State Ethics Commission, Common Cause Hawaii, Young Progressives Demanding Action, Community Alliance on Prisons, and seven individuals.

Your Committee finds that under current law, former legislators and high ranking public officials are prohibited from representing others for compensation on matters the legislator or former official participated in as a legislator or public officer, or took official action on as a legislator or public official within twelve months of leaving their public office. Your Committee further finds that there is no restriction on legislators or public officials being paid to represent private clients before other state agencies or on matters in which the legislator or official did not participate. Your Committee additionally finds that expanding and strengthening the prohibitions against private lobbying activities by legislators and other state officials is in the public interest.

Your Committee has amended this measure by inserting an effective date of January 1, 2021.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2124, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2124, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3760 Judiciary on H.B. No. 2162

The purpose and intent of this measure is to protect consumers from predatory towing practices by:

- (1) Clarifying the fees tow companies may charge;
- (2) Clarifying the duties of a tow company when the vehicle owner arrives on the scene while the vehicle is in the process of being hooked up;
- (3) Requiring tow and storage companies to accept credit cards;
- (4) Subjecting any violation of the towing statute to the penalties and remedies under the State's unfair or deceptive acts or practices law; and
- (5) Adding definitions for clarity.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, GEICO, and one individual. Your Committee received testimony in opposition to this measure from Honolulu Towing, Inc.

Your Committee finds that predatory towing is a combination of generally unethical practices used by some towing companies to maximize their income. These practices include using spotters to get cars towed almost as soon as they are parked; charging excessive fees for towing or storage; or making private side deals with owners of stores or parking lots to maximize towing income. Your Committee further finds that any of these practices can result in unfair and excessive charges for the vehicle owner. This measure will clarify statutory requirements governing towing companies and strengthen protections for drivers in the State.

Your Committee has amended this measure by:

- (1) Adding to the definition of "vehicle owner" the insurance company that insures the vehicle and any person authorized to operate the vehicle pursuant to any other law;
- (2) Specifying that the registered owner is the last registered owner for purposes of consistency;
- (3) Including debit cards as an acceptable form of payment when paying the towing company;
- (4) Subjecting violations of the towing statute to penalties and remedies under the State's consumer protection law;
- (5) Inserting an effective date of October 1, 2020; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2162, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2162, H.D. 2, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 3761 (Majority) Judiciary on H.B. No. 2253

The purpose and intent of this measure is to improve public safety and efficiency by authorizing the chairperson of the Board of Land and Natural Resources and county chiefs of police to designate state or county employees or contractors to issue citations for certain traffic violations.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Department of Transportation, Disability and Communication Access Board, County of Kauai, Kauai Police Department, and one individual.

Your Committee finds that because of the shortage of police officers in every county, enforcement of special no stopping, standing, or parking zones throughout the State is very limited. Unlike the Airport and Harbor Divisions of the Department of Transportation, the Highway Division does not have an enforcement branch and relies on the county police departments to enforce traffic and safety violations. This measure will allow the Department of Land and Natural Resources and the county police chiefs the flexibility to assign other state and county employees and contractors to assist in issuing citations for certain traffic violations.

Your Committee has amended this measure by:

- (1) Removing existing amendments to sections 291C-165 and 291C-167, Hawaii Revised Statutes, and replacing them with a single amendment to section 291C-167 with the same substantive effect;
- (2) Removing the savings clause; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2253, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2253, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, 1 (Fevella). Excused, none.

SCRep. 3762 Judiciary on H.B. No. 2709

The purpose and intent of this measure is to:

- (1) Require a personal representative to notify the police department of the appropriate county of any and all firearms in an estate; and
- (2) Prohibit an estate from closing unless the police department of the appropriate county certifies that all registered firearms in the estate and other firearms of which the police department has been notified are properly transferred or disposed of in accordance with chapter 134, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Honolulu Police Department. Your Committee received testimony in opposition to this measure from the Hawaii Firearms Coalition.

Your Committee finds that on January 19, 2020, two police officers were shot and killed while responding to an apparent landlord-tenant dispute in Honolulu. Although the suspected shooter was not a registered firearm owner in Hawaii, the landlord of the property where the suspected shooter lived allegedly kept firearms belonging to the landlord's deceased husband at the property. Your Committee further finds that if these firearms, which may have been used in the fatal shooting, had been properly registered in the State and properly possessed by the landowner, law enforcement would have been aware of their presence and perhaps better prepared to respond to emergency calls at the residence.

Your Committee has amended this measure by:

- (1) Inserting an effective date of December 1, 2020; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2709, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2709, H.D. 2, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3763 Judiciary on H.B. No. 2750

The purpose and intent of this measure is to prohibit the imposition of restrictions on a person's ability to obtain or renew a driver's license or to register, renew the registration of, or transfer or receive title to a motor vehicle, as a consequence of unpaid monetary obligations.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Office of the Prosecuting Attorney of the County of Kaua'i; Hawaii Children's Action Networks Speaks!; American Civil Liberties Union of Hawai'i; ACLU Smart Justice; We Are One, Inc.; Kauai Women's Caucus; Hawai'i Health and Harm Reduction Center; Community Alliance on Prisons; Drug Policy Forum of Hawaii; Fines and Fees Justice Center; and twenty-one individuals. Your Committee received comments on this measure from the Judiciary and Office of Hawaiian Affairs.

Your Committee finds that under existing law, an individual may be barred from obtaining or renewing a driver's license or motor vehicle registration if the individual has unpaid civil fines. These are known as driver's license and vehicle registration "stoppers". The inability to obtain or renew a driver's license prevents people who have not committed a crime from getting to work, picking up their children, keeping medical appointments, and ultimately from escaping debt. Allowing driver's licenses to be suspended due to unpaid debt effectively penalizes poverty. This measure prohibits the imposition of restrictions on a person's ability to obtain or renew a driver's license or to register, renew the registration of, or transfer or receive title to a motor vehicle, as a consequence of unpaid civil fines or performance of community service in lieu thereof. Provided, however, that this prohibition would not apply to driver's license suspensions related to excessive speeding, lack of motor vehicle insurance, or non-compliance with a child support order.

Your Committee further finds that in order to provide the Judiciary with adequate time to transition to the changes made by this measure, the measure should be amended to apply to any citations issued on or after November 1, 2020; provided that any person prevented from obtaining or renewing a driver's license or motor vehicle registration solely due to failure to pay any monetary assessment imposed by the law to be repealed by this measure be allowed to petition the court for a driver's license or motor vehicle clearance. Your Committee understands that a person may incur monetary assessments between the date of enactment of this measure and November 1, 2020, that would be subject to a "stopper", and in such case, the person would petition the court and the court would grant a clearance pursuant to section 9 of this measure.

Accordingly, your Committee has amended this measure by:

- (1) Providing the courts with a transition period by retaining the existing "stopper" law until November 1, 2020, thereby applying the prohibition of "stoppers" to any citations issued on or after November 1, 2020;
- (2) Allowing, upon approval of this measure, any person prevented from obtaining or renewing a driver's license or motor vehicle registration solely due to failure to pay any monetary assessment to petition the court for clearance;
- (3) Making it effective upon its approval; provided that the prohibition on stoppers takes effect on November 1, 2020; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2750, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2750, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3764 Ways and Means on H.B. No. 1346

The purpose and intent of this measure is to prohibit the expulsion of and establish limitations on the suspension of children participating in the executive office on early learning public prekindergarten program.

Your Committee received written comments in support of this measure from the Executive Office on Early Learning, Early Learning Board, Parents and Children Together, Hawaii State Teachers Association, and two individuals.

Your Committee finds that this measure will help ensure the successful participation of at-risk and disadvantaged children in the public prekindergarten program and will support their early learning.

Your Committee has amended this measure by:

- (1) Replacing the out-dated text of section 302L-7, HRS, that appears in the measure with the current version of that statutory section;
- (2) Making the measure effective upon approval; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1346, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1346, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 12; Ayes with Reservations (Riviere). Noes, none. Excused, 1 (Harimoto).

SCRep. 3765 Ways and Means on H.B. No. 1352

The purpose and intent of this measure is to appropriate or authorize moneys for various operating expenses of the Department of the Attorney General.

Prior to decision making on this measure, your Committee made available for public review a proposed S.D. 1 of this measure. The proposed S.D. 1 deletes the existing provisions of this measure and replaces its contents with provisions to transfer moneys from the DNA Registry Special Fund to the Medicaid Investigations Recovery Fund to cover the State's funding obligations of the Medicaid Fraud Unit.

Your Committee did not receive any written comments on this measure.

Your Committee finds that transferring excess moneys in the DNA Registry Special Fund to the Medicaid Investigations Recovery Fund will provide a needed, temporary source of funding for the Medicaid Fraud Unit. Your Committee further finds that this transfer will have no adverse impact on the DNA Registry Special Fund.

Your Committee has amended this measure by adopting the Proposed Draft and further amending the Proposed Draft by making a technical nonsubstantive change for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1352, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1352, H.D. 2, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 3766 Ways and Means on H.B. No. 2035

The purpose and intent of this measure is to facilitate the transfer of certain non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture, as required pursuant to Act 90, Session Laws of Hawaii 2003.

More specifically, this measure:

- (1) Specifies that under the definition of "agricultural activities" in section 166E-2, Hawaii Revised Statutes, the care and production of livestock or livestock products includes the care and management of pasture land;
- (2) Establishes a pilot program for the transfer of certain specified parcels of land in the county of Hawaii from the Department of Land and Natural Resources to the Department of Agriculture, pursuant to Act 90, Session Laws of Hawaii 2003; and
- (3) Requires that the Department of Land and Natural Resources accept and return to its land inventory any parcel, or portion thereof, transferred pursuant to this measure that the Department of Agriculture has determined to be unsuitable or unnecessary for agricultural use.

Your Committee received written comments in support of this measure from the Department of Agriculture; Thompson Ranch; Ulupalakua Ranch; Kalapana Tropicals, Inc.; Hawaii Cattlemen's Council; Hawaii Farm Bureau; Ponohele Ranch, Limited; Kau Soil and Water Conservation District; W.H. Shipman, Limited; Kuahiwi Ranch; Ulupono Initiative; Barbed S Ranch, LLC; Maui Cattlemen's Association; Hawaii Forest Industry Association; Kaupo Ranch, Ltd.; Blue Journey; Tropical Flowers Express; Island Estates; Nutrien Ag Solutions, Inc.; Waihale Products; Yee's Orchard, LLC; Ohana Banana Farm, Inc.; Kahuku Farmers, Inc.; Gay and Robinson, Inc.; Hawaiian Music Walk of Fame Corp.; Flowers Forever, LLC; Kauai Nursery and Landscaping, Inc.; Larry Jeffs Farm, LLC; Ohana Farm Orchards LLC; Maui County Farm Bureau; Wines of Kauai, LLC; Pinner Creek Farms; Hawaii Seed Pro LLC; KHK Ranch, LLC; Melvin Kunitake Farm; KM Farm and Ranch; Moloaa Bay Farms LLC; The Grassmaster; 4Boys Ranch; Aileen's Nursery; Aikane Plantation; Dinas Garden; Hawaii Agriculture Research Center; Bayer Molokai; Kapapala Ranch; K.K. Ranch, Inc.; Pacific Ag Consultants; Hawaii UAV Service LLC; Kawahara Gardening Specialists, Inc.; McCandless Ranch; and numerous individuals.

Your Committee received written comments in opposition to this measure from the Department of Land and Natural Resources, Office of Hawaiian Affairs, Young Progressives Demanding Action, Animal Rights Hawaii, Aloha Animal Advocates, Land Use Research Foundation of Hawaii, Hawaii's Thousand Friends, PATH, Ahahui Malama I Ka Lokahi/Hawaiians for the Conservation of Native Ecosystems, Conservation Council for Hawaii, and two individuals.

Your Committee finds that this measure effectuates the transfer of certain non-agricultural park lands from the Department of Land and Natural Resources to the Department of Agriculture, thereby complying with Act 90, Session Laws of Hawaii 2003, and ensuring the long-term productive use of certain public lands.

Your Committee has amended this measure by:

- (1) Clarifying that, in part, the purpose of this Act is to require that any parcel, or portion thereof, that has been transferred to the Department of Agriculture and determined by that department to be unsuitable or unnecessary for agricultural use must be accepted and returned to the land inventory of the Department of Land and Natural Resources;
- (2) Specifying the Department of Agriculture as the entity responsible for determining whether any relevant leases or other agreements for which the Department of Land and Natural Resources is responsible are in compliance with section 166E-3, Hawaii Revised Statutes;
- (3) Establishing that permittees and other occupants, in addition to lessees, that are currently managing livestock production on certain identified parcels must meet specific requirements for a watershed partnership plan and dedication of livestock meat and beef production;
- (4) Requiring that, prior to return of any parcel, or portion thereof, to the Department of Land and Natural Resources, the Department of Agriculture is responsible for the remediation of any environmental hazard or other hazardous conditions created while the land was under the exclusive management of the Department of Agriculture;
- (5) Amending the measure's sunset date to apply only to subsections (a), (b), and (c) of section 3; and
- (6) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2035, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2035, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, 1 (Harimoto).

SCRep. 3767 Ways and Means on H.B. No. 2543

The purpose and intent of this measure is to build the capacity to provide all children three to four years of age with access to learning.

Specifically, this measure:

- (1) Requires the Department of Education and Public Charter School Commission to assess kindergarten students at public schools and charter schools, respectively;
- (2) Requires the parents and guardians of public and charter school kindergarten students to disclose their students' prior early learning attendance;
- (3) Provides the Public Charter School Commission with administrative authority over certain early learning programs in public charter schools and establishes requirements for those programs;
- (4) Expands the Preschool Open Doors Program to provide grants for establishing new private preschools and expanding existing private preschools;
- (5) Appropriates funds and positions for the Preschool Open Doors Program;
- (6) Requires the Department of Human Services to collect and analyze data regarding the prior early learning attendance of kindergarten students;
- (7) Establishes the following early learning benchmarks:
 - (A) Fifty percent of certain three- and four-year-old children shall have access to enrollment in a preschool program by December 31, 2027; and
 - (B) One hundred percent of certain three- and four-year-old children shall have access to enrollment in a preschool program by December 31, 2032;
- (8) Establishes data sharing requirements;
- (9) Appropriates funds for Hawaiian language medium pre-kindergarten and Hawaiian language immersion classes; and
- (10) Authorizes the Hawaii State Public Library System to establish early learning classrooms at libraries.

Your Committee received written comments in support of this measure from the Department of Human Services, Hawaii Children's Action Network Speaks!, Bank of Hawaii, Early Childhood Action Strategy, Kamehameha Schools, Special Education Advisory Council, Hawaii P-20 Partnerships for Education, Partners in Development Foundation, Chamber of Commerce Hawaii, and one individual.

Your Committee received written comments on this measure from the Executive Office on Early Learning, Department of Education, Early Learning Board, and Hawaii State Teachers Association.

Your Committee finds that providing all children with access to early learning before entering kindergarten will establish a stronger educational foundation to help Hawaii's children improve their personal development, academic achievement, and career success.

Your Committee has amended this measure by:

- (1) Retaining the authorization for establishing, while deleting the appropriation of funding for, permanent full-time equivalent positions for the Preschool Open Doors Program;
- (2) Appropriating \$5,000,000 from federal funds deposited in the state treasury for the Department of Human Services to expand its information technology system for the purpose of managing the information collected pursuant to this measure;
- (3) Establishing the Hawaiian early learning trust fund, to be expended by the University of Hawaii of Hilo for the purposes of Hawaiian early learning, and appropriating moneys from the trust fund for classrooms for the Hawaiian language medium pre-kindergarten programs;
- (4) Exempting, until July 1, 2026, the laboratory school program of the Hawaiian language college at the University of Hawaii at Hilo from the standards, assessments, performance ratings, staff qualifications, and staff training requirements of the measure;
- (5) Appropriating \$3,000,000 of federal funds deposited in the state treasury for early learning classrooms and services on public library property;
- (6) Changing the effective date to upon approval, with the provisos that:
 - (A) The establishment of permanent full-time equivalent positions for the Preschool Open Doors Program shall take effect on July 1, 2020;
 - (B) The appropriation out of federal funds deposited in the state treasury for the Department of Human Services to expand its information technology system shall take effect on July 1, 2020;
 - (C) The appropriation out of the Hawaiian early learning trust fund shall take effect on July 1, 2020;
 - (D) The appropriation out of federal funds deposited in the state treasury for early learning classrooms and services at public libraries shall take effect on July 1, 2020;
 - (E) Provisions requiring the Board of Education and the Public Charter School Commission to adopt a standardized assessment for students entering kindergarten shall take effect on July 1, 2022;

- (F) Provisions requiring the disclosure of prior early learning program attendance shall take effect on July 1, 2022;
 - (G) Provisions relating to the establishment or augmentation by the Department of Human Services of a database to collect and analyze early learning program information shall take effect on July 1, 2022;
 - (H) The amendments to section 27-7, Hawaii Revised Statutes, relating to departmental data sharing shall take effect on July 1, 2022; and
 - (I) Provisions relating to the establishment of benchmarks for preschool programs shall take effect on July 1, 2024; and
- (7) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2543, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2543, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, 1 (Harimoto).

SCRep. 3768 Ways and Means on H.B. No. 917

The purpose and intent of this measure is to require the Attorney General, on behalf of the Department of Education, to institute proceedings to acquire, by voluntary action or condemnation, certain land owned by the Mililani Town Association.

Your Committee received written comments in support of this measure from the Mililani Town Association.

Your Committee finds that the Mililani Town Association owns parcels of land near Mililani High School. The school intends to use these parcels so that it can provide an access ramp that is compliant with the Americans with Disabilities Act for the benefit of students, staff, family members, and the general public. Your Committee notes that the Mililani Town Association has indicated that it is amenable to the State's acquisition of the land at issue.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 917, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 2 (Harimoto, Fevella).

SCRep. 3769 (Joint) Judiciary and Ways and Means on H.B. No. 2350

The purpose and intent of this measure is to update various assessments and penalties under the Department of Labor and Industrial Relations' jurisdiction to account for inflation by revising the monetary assessments according to changes in the Consumer Price Index.

Your Committees received testimony in support of this measure from the Department of Labor and Industrial Relations.

Your Committees find that the penalties contained in this measure have not been raised recently or since the enactment of the affected statutes. According to the Bureau of Labor Statistics, the equivalent of many of the penalties with inflation were often double the existing statutory amounts. According to the Department of Labor and Industrial Relations, most of the revised amounts of the penalties contained in this measure were derived using the Bureau of Labor Statistics Consumer Price Index Inflation Calculator. This measure will make changes to the assessment and penalty amounts to account for inflation and will improve compliance with the law.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2350, H.D. 2, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.
Judiciary: Ayes, 5. Noes, none. Excused, none.
Ways and Means: Ayes, 12. Noes, none. Excused, none.

SCRep. 3770 (Joint) Judiciary and Ways and Means on H.B. No. 1651

The purpose and intent of this measure is to:

- (1) Codify certain certification, renewal, and violation processes of vehicle inspectors who conduct vehicle safety inspections under the Department of Transportation; and
- (2) Repeal section 286-85, Hawaii Revised Statutes, which requires reconstructed vehicles to obtain a special inspection and certification.

Your Committees received testimony in support of this measure from the Department of Transportation, 808 Street Rods, HI X Rydaz, and eighty-seven individuals. Your Committees received testimony in opposition to this measure from Honolulu Police Department and three individuals. Your Committees received comments from one individual.

Your Committees find that the intent of section 286-85, Hawaii Revised Statutes, is to ensure that modifications to motor vehicles do not result in a significant degradation in safety. However, your Committees also find that reconstructed vehicle inspectors are not engineers and may lack the expertise necessary to make an accurate judgment of the quality of the modifications. Your Committees further find that crash data from the Department of Transportation do not indicate that reconstructed vehicles are a safety problem on Hawaii roads. Moreover, the reconstructed vehicle inspection program is required only on Oahu, not the neighbor islands.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1651, H.D. 1, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.
 Judiciary: Ayes, 5. Noes, none. Excused, none.
 Ways and Means: Ayes, 12. Noes, none. Excused, none.

SCRep. 3771 Judiciary on H.B. No. 1942

The purpose and intent of this measure is to add members of the clergy, commercial computer technicians, and commercial film and photographic print or image processors, to the categories of persons who are required to report under Hawaii's child abuse and neglect mandated reporting law.

Your Committee received testimony in support of this measure from the Department of Human Services, Parents and Children Together, Hawaii Youth Services Network, and two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Family Advocacy Team. Your Committee received comments on this measure from one individual.

Your Committee finds that individuals working in fields such as medicine, law enforcement, and social services are mandated to report instances of child abuse or neglect; however, Hawaii is only one of four states and three United States territories that does not include members of the clergy as mandatory reporters. Your Committee further finds that as sexual exploitation of children continues to occur online and to protect more children from exploitation and abuse, computer technicians should be required to report to law enforcement any computer files containing child pornography. This measure updates Hawaii's mandatory child abuse and neglect reporting law by adding members of the clergy, commercial computer technicians, and commercial film and photographic print or image processors to the categories of persons who are required to report under Hawaii's child abuse and neglect mandated reporting law.

Your Committee has amended this measure by:

- (1) Inserting language to specify that a member of the clergy is not be required to report information gained solely during a penitential communication; but, when a clergy member receives reportable information from any other source, the clergy member shall comply with the reporting requirements, regardless of whether or not the clergy member received the same information during a penitential communication;
- (2) Inserting a definition of "penitential communication";
- (3) Extending the safe harbor provision from January 1, 2021, to March 1, 2021, to provide approximately six months for reporting of previously known but undisclosed information; and
- (4) Making it effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1942, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1942, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.
 Ayes, 5. Noes, none. Excused, none.

SCRep. 3772 (Joint) Judiciary and Ways and Means on H.B. No. 2323

The purpose and intent of this measure is to:

- (1) Expand the pool of persons eligible to receive restitution from the Mortgage Loan Recovery Fund; and
- (2) Authorize the Director of Commerce and Consumer Affairs to issue orders of restitution.

Your Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs.

Your Committees find that under existing law, a person aggrieved by a licensee's fraud, misrepresentation, or deceit must obtain a judgment against the licensee in circuit or district court and then obtain an order from the court for payment from the Mortgage Loan Recovery Fund. This measure simplifies the process by allowing payments based on the entry of the order and allows restitution to be received by order of the Commissioner of Financial Institutions, without a separate post-judgment order.

Your Committees have amended this measure by making it effective upon its approval.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2323, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 2323, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees.
 Judiciary: Ayes, 5. Noes, none. Excused, none.
 Ways and Means: Ayes, 12. Noes, none. Excused, none.

SCRep. 3773 (Joint) Judiciary and Ways and Means on H.B. No. 2061

The purpose and intent of this measure is to convene a study group to examine the impacts, costs, and challenges of child support moneys being collected by the Department of Human Services for the public assistance of children for pass through to the family receiving public assistance.

Your Committees received testimony in support of this measure from the Hawaii Appleseed Center for Law and Economic Justice, Hawaii Children's Action Network Speaks!, Hawaii Women's Coalition, Zonta Club of Hilo, and two individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Department of the Attorney General and Department of Human Services.

Your Committees find that under existing law, non-custodial parents must pay child support to the State of Hawaii up to the amount of Temporary Assistance for Needy Families (TANF) benefits paid. The State keeps a portion of that money and passes on the rest to the federal government as reimbursement for providing TANF assistance. This measure would convene a task force to examine the impacts and impediments, including any conflicts with federal law, of allowing child support payments to pass through to TANF recipients.

Your Committees have amended this measure by:

- (1) Requiring the Department of the Attorney General and the Department of Human Services to submit the report to the Legislature no later than forty days prior to the convening of the Regular Session of 2022; and
- (2) Making it effective upon its approval.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2061, H.D. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 2061, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 12. Noes, none. Excused, none.

SCRep. 3774 (Joint) Judiciary and Ways and Means on H.B. No. 2565

The purpose and intent of this measure is to:

- (1) Establish the Pesticide Disposal Collection Program within the Department of Agriculture to provide a one-time, affordable, and environmentally accessible means for the disposal of restricted and nonrestricted use pesticides from a bona fide agricultural entity;
- (2) Convene a Pesticide Disposal Collection Program Steering Committee to guide and monitor the program; and
- (3) Increase fines for pesticide use violations.

Your Committees received testimony in support of this measure from the Department of Health; one member of the Maui County Council; Hawaii Crop Improvement Association; Young Progressives Demanding Action; Greener Hawaii, Hawai'i Center for Food Safety; Larry Jefts Farms, LLC; Hawaii Alliance for Progressive Action; Beyond Organic Consulting, Inc.; Mahana Weddings Maui; We Are One, Inc.; Hawai'i Farm Bureau; Conscious Riddims Records; and dozens of individuals. Your Committees received testimony in opposition to this measure from the Western Plant Health Association and one individual. Your Committees received comments on this measure from the Department of Agriculture.

Your Committees find that responsible environmental stewardship requires management and supervision of the safe collection and lawful disposal of banned, outdated, or unwanted pesticides. Your Committees further find that legal disposal options for pesticides are limited in Hawaii and that the longer pesticides are left unmanaged, the more likely it is that containment measures for those pesticides will fail. This measure addresses this need by establishing a one-time, affordable, and environmentally accessible means for the disposal of pesticides.

Your Committees note that funding for the Pesticide Disposal Collection Program is intended to draw from the \$800,000 allocated to the Department of Agriculture pursuant to the November 21, 2019, plea agreement in U.S.A. v. Monsanto Company. Your Committees additionally find that the \$800,000 settlement payment was deposited into the general revenues of the State. Appropriating those monies to the Pesticide Disposal Collection Program will allow the Department of Agriculture to fulfil its obligations as set forth in the settlement.

Your Committees have amended this measure by:

- (1) Allowing the Department of Agriculture to determine the duration of the Pesticide Disposal Collection Program;
- (2) Allowing the Department of Agriculture to determine the maximum amount of pesticide that can be disposed of without incurring a fee through the program;
- (3) Inserting an appropriation amount of \$800,000; and
- (4) Changing the effective date to September 1, 2020.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2565, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 2565, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 12. Noes, none. Excused, none.

SCRep. 3775 (Joint/Majority) Judiciary and Ways and Means on H.B. No. 1676

The purpose and intent of this measure is to:

- (1) Establish the Photo Red Light Imaging Detector Systems Program (Program); and
- (2) Authorize the counties to administer the Program and require proceeds of fines to be expended in the county in which the violation occurred for operation of the Program.

Your Committees received testimony in support of this measure from the Department of Transportation; Department of Transportation Services of the City and County of Honolulu; Peoples Advocacy for Trails Hawai'i; Keiki Injury prevention Coalition; Obesity Prevention Task Force of the Hawai'i Public Health Institute; Kauai Path, Inc.; Blue Zones Project; Hawaii Bicycling League; MADD Hawaii, and thirty-two individuals. Your Committees received testimony in opposition to this measure from four individuals. Your Committees received comments on this measure from the Judiciary, Office of the Public Defender, Department of Budget and Finance, and Honolulu Police Department.

Your Committees find that drivers who run red lights endanger the lives of motorists and pedestrians and compound the already hazardous conditions on Hawaii's roads and highways. Your Committees further find that in response to concerns of increasing traffic violations in the State, Act 131, Session Laws of Hawaii 2019, required the Department of Transportation to establish a Red Light Running Committee to develop policy recommendations for red light running pilot programs in each county. This measure reflects the recommendations of the Red Light Running Committee and aims to increase public safety on Hawaii's roads and highways.

Your Committees have amended this measure by:

- (1) Adding data, statistics, and examples to section 1 to further illustrate the legislative intent;
- (2) Clarifying that only a photo of the motor vehicle license plate is required;
- (3) Inserting definitions of "owner" and "registered owner";
- (4) Clarifying that the State may establish and oversee the Program;
- (5) Establishing a minimum two-year Photo Red Light Imaging Detector Systems Pilot Program (Pilot Program) which may be implemented within certain areas of the City and County of Honolulu;
- (6) Stipulating that the outer island counties may implement a photo red light imaging detector system following the completion of the Pilot Program;
- (7) Allowing the State and Counties to contract a third-party contractor to install, operate, maintain and repair the red light imaging detector system;
- (8) Requiring an engineering review and study for each intersection to be conducted prior to the installation and operation of any photo red light imaging detector system;
- (9) Requiring a baseline study of the average number of red light violations at each intersection being considered for installation of any photo red light imaging detector system;
- (10) Requiring a public education and information program to be conducted at least sixty days before any photo red light imaging detector system cameras become operational for issuing citations at any intersection;
- (11) Providing a grace period in which warning notices shall be issued for violations in lieu of summons or citations during the first thirty days that a photo red light imaging detector system becomes operational at any given intersection;
- (12) Requiring the applicable county police department to review and verify the validity of the image of the license plate before the summons and citation are mailed;
- (13) Requiring only a certificate sworn to or affirmed by the reviewing police department to establish the validity of the photographs or digital images and equipment;
- (14) Requiring summons or citations be issued for violations of a steady red signal determined by means of a photo red light imaging detector system beginning January 1, 2021;
- (15) Deleting language that would have required the county, county's agent or employee, to be available to testify as to the authenticity of information provided;
- (16) Deleting language that would have required a summons or citation to be reissued to a person that a lessor identifies as the lessee of the vehicle at the time of the infraction;
- (17) Inserting language to hold liable any registered owner who is the lessor of a rental or U-drive motor vehicle issued a summons or citation and allowing the lessor to pursue reimbursement from the applicable lessee;
- (18) Clarifying that a citation shall not be recorded on the motor vehicle owner's traffic abstract nor used for insurance purposes in the provision of motor vehicle insurance coverage;
- (19) Clarifying confidentiality requirements and setting the fine for unauthorized disclosure of confidential information at \$500;
- (20) Adding a new subsection 291C-32(c), Hawaii Revised Statutes, relating to photo red light imaging detector system traffic-control signal violations;
- (21) Requiring the Department of Transportation, in consultation with any county that implements a photo red light imaging detector system pilot program, to submit an annual report to the Legislature no later than twenty days prior to the convening of the Regular Sessions of 2021, 2022, 2023, and 2024;

- (22) Inserting an appropriation from the state highway fund to the photo red light imaging detector system special fund to be expended by the City and County of Honolulu and the Department of the Prosecuting Attorney;
- (23) Making it effective upon its approval with provisions relating to the appropriation taking effect retroactively to July 1, 2020; and
- (24) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1676, H.D. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1676, H.D. 1, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 3. Noes, 2 (Kim, Fevella). Excused, none.

Ways and Means: Ayes, 10; Ayes with Reservations (English, Moriwaki, Taniguchi). Noes, 2 (Riviere, Fevella). Excused, none.

SCRep. 3776 (Joint) Judiciary and Ways and Means on H.B. No. 1819

The purpose and intent of this measure is to:

- (1) Require the Department of Agriculture to seek approval from the United States Department of Agriculture of a state plan to monitor and regulate hemp;
- (2) Establish a statutory framework for the Department of Agriculture to monitor and regulate hemp;
- (3) Establish and provide temporary legislative funding for a hemp regulatory special fund, which will be funded through inspection fees in the longer term;
- (4) Exclude hemp from the State's prohibitions against marijuana;
- (5) Expedite the repeal of the existing industrial hemp pilot program; and
- (6) Appropriate funds to the College of Tropical Agriculture and Human Resources at the University of Hawaii for hemp research.

Your Committees received testimony in support of this measure from the Department of Agriculture, one member of the Maui County Council, Libertarian Party of Hawaii, Hawai'i Farm Bureau, Hawaii Food Industry Association, Hawaiian Choice, Intellectual AG LLC, Omaopio/Piliwale Ohana, Down to Earth Organic and Natural, Omao Lands and Omao Laboratories, Hawaii Cannabis Care, United States Hemp Roundtable, Steep Hill Hawaii State Certified Laboratory, Arcadia Biosciences, Hawaii Alliance for Progressive Action, Drug Policy Forum of Hawaii, and thirty-three individuals. Your Committees received testimony in opposition to this measure from Kokoiki Brands LLC and Island Hemp. Your Committees received comments on this measure from the Department of the Attorney General, Department of Health, Department of Budget and Finance, Hawai'i Hemp Farmers Association, Hawaii Royal Hemp Inc., and one individual.

Your Committees find that hemp is no longer classified as an illegal drug under federal law due to the recently enacted Agriculture Improvement Act of 2018, informally known as the "Farm Bill". The Farm Bill authorizes the department of agriculture of each state wishing to have primary regulatory authority over hemp production in that state to submit to the federal Secretary of Agriculture a proposed plan for the state's department of agriculture to monitor and regulate hemp production within the state, including a procedure for conducting annual inspections of a random sample of hemp producers.

Your Committees further find that research on hemp shows that there is significant potential for a successful hemp agricultural industry in Hawaii. Hemp grows quickly; has the beneficial effects of removing toxins from the soil and acting as a superior phytoremediation crop; is environmentally-friendly; and serves as an efficient feedstock and source for biofuel. Also, hemp can be made into clothing and used in other products to promote the growth of small businesses. This measure facilitates the regulation and production of industrial hemp in the State.

Your Committees have amended this measure by:

- (1) Exempting hemp lawfully cultivated by hemp growers licensed under the State's industrial hemp pilot program from the commercial hemp production buffer zone requirement;
- (2) Requiring the Department of Agriculture to adopt rules relating to commercial hemp production, including rules to address nuisance issues arising out of the activities of hemp growers, and requiring interim rules be adopted by September 30, 2020, to be in effect until June 30, 2022, or until permanent rules are adopted;
- (3) Reenacting the definitions of "marijuana" and "marijuana concentrate" upon the sunset date;
- (4) Making it effective upon its approval; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1819, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1819, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 12; Ayes with Reservations (Inouye). Noes, none. Excused, none.

SCRep. 3777 (Joint) Judiciary and Ways and Means on H.B. No. 2457

The purpose and intent of this measure is to:

- (1) Ban the sale of flavored tobacco products;
- (2) Prohibit the mislabeling of e-liquid products containing nicotine;
- (3) Establish fines and penalties for violations;
- (4) Authorize a court to impose, as a penalty on a person eighteen to twenty-one years of age who is convicted of possession of a tobacco product or electronic smoking device, the requirement to complete a tobacco education program, complete a tobacco use cessation program, or perform community service instead of paying a fine; and
- (5) Require a parent or guardian of a minor to select from among the penalties for a minor convicted of possession of a tobacco product or electronic smoking device.

Your Committees received testimony in support of this measure from the Department of Health; Office of the Prosecuting Attorney of the County of Kaua'i; Office of the Prosecuting Attorney of the County of Hawai'i; Honolulu Police Department; Hawaii Substance Abuse Coalition; Hawaii Youth Services Network; Hawaii Primary Care Association; Chamber of Commerce Hawaii; American Cancer Society Cancer Action Network; Hawaii Youth Council; Hawaii State Teachers Association; Hui No Ke Ola Pono; Kaiser Permanente Hawai'i; Hawaii Pacific Health; Coalition for a Tobacco-Free Hawai'i; Hawaii Children's Action Network Speaks!; Coalition for a Tobacco-Free Hawai'i Maui; Flavors Hook Kids Hawai'i; Healthy Mothers Healthy Babies Coalition of Hawaii; Hawai'i Community Foundation; Keiki Injury Prevention Coalition; Hawaii Dental Association; The Man Cave; Get Fit Kauai, The Friends of Kamalani and Lydgate Park; We Are One, Inc.; Blue Zones Project; Student Health Advisory Council; American Academy of Pediatrics, Hawaii Chapter; Hawaii Tobacco Youth Council; American Heart Association; American Lung Association in Hawaii; Coalition for a Drug-Free Hawaii; Blue Zones Project Wahiaawa; Campaign for Tobacco-Free Kids; Pediatric Therapies Hawaii; Adventist Health Castle; Filipino Nurses Organization of Hawaii; Filipino Business Women's Association; First United Methodist Church of Honolulu; Filipino Women's Civic Club; and numerous individuals. Your Committees received testimony in opposition to this measure from Hawaii Smokers Alliance; Cigar Association of America, Inc.; Irie Hawaii Stores; Hi Lyfe Vaporz, LLC; Black Lava Vape; Itie Ho Smoke Shop; Smokey's; and numerous individuals. Your Committees received comments on this measure from the Department of the Attorney General, Department of Education, Hawaii Food Industry Association, American Heart Association, and one individual.

Your Committees find that there has been a dramatic increase in the use of electronic smoking devices by Hawaii's youth and that a significant driver of this increase is the availability of flavored products. The tobacco industry and electronic smoking device industry have significantly increased the introduction and marketing of flavored non-cigarette tobacco products for electronic smoking devices. This measure will take steps to regulate flavored tobacco products to reduce tobacco-related health disparities and address the youth vaping epidemic.

Your Committees have amended this measure by:

- (1) Clarifying that all fines and penalties related to flavored tobacco products shall be deposited into the Hawaii Tobacco Prevention and Control Trust Fund;
- (2) Removing "menthol" from the definition of "flavored tobacco products";
- (3) Clarifying language relating to forfeiture to more closely match section 712-1258(6), Hawaii Revised Statutes;
- (4) Removing language relating to parental notification and choice of penalty for offenders under eighteen years of age;
- (5) Changing the effective date to September 1, 2020; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2457, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 2457, H.D. 2, S.D. 2.

Signed by the Chairs on behalf of the Committees.

Judiciary: Ayes, 5. Noes, none. Excused, none.

Ways and Means: Ayes, 11. Noes, none. Excused, 1 (Kidani).

SCRep. 3778 (Joint) Judiciary and Ways and Means on H.B. No. 2425

The purpose and intent of this measure is to:

- (1) Amend the definition of "domestic abuse" under Hawaii's insurance laws for purposes of prohibiting insurers from discriminating against victims of domestic violence;
- (2) Amend laws relating to domestic abuse protective orders to include coercive control between family or household members; and
- (3) Define "coercive control".

Your Committees received testimony in support of this measure from AAUW of Hawaii, Domestic Violence Action Center, Hawaii Psychological Association, and eight individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from one individual.

Your Committees find that under existing law, many survivors of domestic abuse are not adequately protected from the harassment, control, and abuse that they have endured, particularly if the abuse does not leave a physical mark. Your Committees further find that there are various coercive and manipulating tactics that can be used to harass or control domestic partners, and many victims in Hawaii are abused without physical proof, which can limit their access to protective orders because the abuse may not meet the current statutory definition. This measure amends the State's legal definition of "domestic abuse" to include "coercive control", and defines "coercive control", to empower victims of non-physical domestic violence to pursue legal protections from their abusers and ensure insurers do not discriminate against victims of domestic violence when issuing insurance policies.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2425, H.D. 1, S.D. 1, and recommend that it pass Third Reading.

Signed by the Chairs on behalf of the Committees.
 Judiciary: Ayes, 5. Noes, none. Excused, none.
 Ways and Means: Ayes, 12. Noes, none. Excused, none.

SCRep. 3779 Ways and Means on H.B. No. 1523

The purpose and intent of this measure is to appropriate funds for the fiscal biennium 2019-2021 operating budget of the Department of Education and certain programs of the Department of Accounting and General Services.

Prior to decision making on this measure, your Committee made available for public review a proposed S.D. 2 of this measure. The proposed S.D. 2 deletes the existing provisions of this measure and replaces its contents with provisions requiring the Department of Education to expend appropriated funds from its fiscal year 2020-2021 budget (EDN300, general funds) to cover the costs of devices for schools with identified needs and student populations of fifty percent or greater who qualify to receive free or reduced price lunch.

Your Committee received testimony in support of the measure from Kamehameha Schools.

Your Committee received comments on this measure from the Department of Education.

Your Committee finds that the purchase of devices for Department of Education schools whose students are economically disadvantaged will help to lessen the equity gap in access to digital education, which the current coronavirus disease 2019 (COVID-19) pandemic has significantly magnified. Your Committee further finds that requiring the costs of these devices to be covered using federal moneys received by the State through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, will allow the Department of Education's existing fiscal year 2020-2021 budget to remain unaffected.

Your Committee has amended this measure by adopting the Proposed Draft and further amending the Proposed Draft by:

- (1) Adding a preamble to clarify the purpose of the amended measure;
- (2) Deleting references to Act 5, Session Laws of Hawaii 2019, as amended, and related references to the Department of Education's existing fiscal year 2020-2021 budget;
- (3) Inserting new language specifying that the costs of devices for certain Department of Education schools shall be covered using federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funds;
- (4) Changing the effective date to "upon its approval"; and
- (5) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1523, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1523, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.
 Ayes, 12. Noes, none. Excused, none.

SCRep. 3780 Ways and Means on H.B. No. 1637

The purpose and intent of this measure is to eliminate the spending ceiling from the civil monetary penalty special fund statute.

Your Committee received written comments in support of this measure from the Department of Health, Healthcare Association of Hawaii, and one individual.

Written comments in opposition were received from one individual.

Your Committee finds that the measure's elimination of the spending ceiling from the civil monetary penalty special fund statute will align state law with federal requirements and thus facilitate the reinvestment of moneys from the special fund into projects that benefit nursing home residents in the State.

Your Committee has amended this measure by:

- (1) Deleting the appropriation of funds for one full-time equivalent Medicare administrator position within the Department of Health;
- (2) Deleting the severability provision;
- (3) Changing the effective date to "upon its approval"; and
- (4) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1637, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1637, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, none.

SCRep. 3781 Ways and Means on H.B. No. 1846

The purpose and intent of this measure is to facilitate energy efficiency in state facilities.

Specifically, the measure:

- (1) Requires and establishes deadlines for certain state facilities to undergo:
 - (A) Statutorily-required energy retrofit and performance contracting; or
 - (B) Energy audits and any feasible implementations of those audits;
- (2) Directs the Hawaii State Energy Office to collect all utility bill and energy usage data for state-owned facilities and make this data publicly available; and
- (3) Beginning July 1, 2020, imposes certain energy-related requirements on the design of all new state building construction.

Your Committee believes that the State must lead by example in implementing energy efficiency policies and energy-efficient building standards. Your Committee finds that maximizing energy efficiency and reducing the demand for power generation are necessary for the State to reach its goal of one hundred percent renewable energy by 2045. Your Committee believes that meeting this goal will be achieved, in part, by the steps taken through this measure.

Your Committee has amended this measure by:

- (1) Specifying that certain state facilities shall implement all cost-effective energy efficiency measures or enter into performance contracts for the implementation of all cost-effective energy efficiency measures, by:
 - (A) January 1, 2022, for certain state facilities that have not undergone statutorily-required energy retrofit and performance contracting requirements since 2010; or
 - (B) January 1, 2024, for certain other state facilities;
- (2) Providing that certain agencies that perform energy efficiency retrofitting may continue to receive appropriations for energy expenditures at an amount that accounts for any costs for contracts or debt service for the implementation and management of energy efficiency measures;
- (3) Beginning July 1, 2020, requiring, where feasible and cost-effective, the design of all new state building construction to maximize energy generation and water efficiency, maximize energy generation potential, and use building materials that reduce the carbon footprint of the project;
- (4) Changing the effective date to upon its approval; and
- (5) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1846, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1846, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3782 Ways and Means on H.B. No. 1912

The purpose and intent of this measure is to establish the Pacific International Space Center for Exploration Systems within the Department of Business, Economic Development, and Tourism for administrative purposes and to amend the composition of the center's board of directors.

Your Committee received written comments in support of this measure from the Pacific International Space Center for Exploration Systems; Oceanit Laboratories, Inc.; and six individuals.

Your Committee finds that the measure makes the adjustments and modifications necessary to allow the Pacific International Space Center for Exploration Systems to transition from contract-based operations to operations under the Department of Business, Economic Development, and Tourism.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1912, H.D. 1, S.D. 1, and recommends that it pass Third Reading.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, none.

SCRep. 3783 Ways and Means on H.B. No. 1928

The purpose and intent of this measure is to establish the framework to develop the underutilized Pulehunui area on the island of Maui.

Specifically, this measure:

- (1) Establishes the boundaries of the Pulehunui Community Development District;
- (2) Establishes the Pulehunui Community Development Authority under the authority of the Hawaii Community Development Authority to develop the Pulehunui Community Development District;
- (3) Establishes the membership of the Pulehunui Community Development Authority;
- (4) Establishes development policies for the Pulehunui Community Development District;
- (5) Authorizes the Hawaii Community Development Authority to borrow money or accept grants from the federal government in aid of any development project undertaken by the Authority; and
- (6) Prohibits counties from requiring developers of multi-dwelling unit residential developments to obtain the approval of any state agency unless that approval is expressly required under state law.

Your Committee received written comments in support of this measure from the Department of Land and Natural Resources; Chair of the Maui County Council; Hawaii Operating Engineers Industry Stabilization Fund; Hawaii Laborers' Union Local 368; Hawaii Construction Alliance; Operating Engineers Local Union No. 3; Dowling Company, Inc; Hawaii Regional Council of Carpenters; Goodfellow Bros, Inc.; Hawaii Community Foundation; and five individuals.

Your Committee finds that an entity dedicated to the development of the Pulehunui area will help to guide and enhance its development in an integrated manner that will provide optimal use of public land to provide recreational, residential, educational, industrial, government services, and commercial areas for the public's benefit.

Your Committee has amended this measure by:

- (1) Specifying that no county ordinance or county rule shall require the developer of any development with more than five residential units to obtain the approval of any state agency unless that approval is expressly required under state law; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1928, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1928, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, none.

SCRep. 3784 Ways and Means on H.B. No. 1929

The purpose and intent of this measure is to extend the date by which the Hawaii Housing Finance and Development Corporation is required to renegotiate an existing, or issue a new, ground lease for the Front Street Apartments affordable housing project on the island of Maui.

Your Committee received written comments in support of this measure from the Hawaii Housing Finance and Development Corporation and one individual.

Your Committee finds that, due to a pending lawsuit, the Hawaii Housing Finance and Development Corporation has been unable to obtain an accurate appraisal of the value of the ground lease for the Front Street Apartments affordable housing project. Your Committee further finds that the absence of an accurate appraisal prevented the Corporation from renegotiating the terms of the ground lease by December 31, 2019, in accordance with Act 150, Session Laws of Hawaii 2018, as amended by Act 98, Session Laws of Hawaii 2019, thus triggering a requirement for the Corporation to initiate condemnation proceedings. Accordingly, your Committee believes that an extension of the December 31, 2019, deadline is warranted to allow further opportunity for the litigation to be resolved.

Your Committee has amended this measure by:

- (1) Making the measure effective upon its approval, to apply retroactively to December 30, 2019; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1929, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1929, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3785 Ways and Means on H.B. No. 2183

The purpose and intent of this measure is to address the State's affordable housing shortage.

Specifically, this measure increases the Hula Mae multifamily revenue bond authorization.

Your Committee received written comments in support of this measure from the Hawaii Housing Finance and Development Corporation.

Your Committee finds that the Hula Mae multifamily revenue bond program promotes the development of new, or the acquisition and rehabilitation of existing, rental housing projects through the issuance of mortgage revenue bonds for interim and permanent financing at lower rates than conventional market interest rates. Your Committee further finds that the increase in bond authority

provided by this measure will allow the Hawaii Housing Finance and Development Corporation to continue to issue bonds for much-needed affordable rental housing projects statewide.

Your Committee has amended this measure by:

- (1) Making the measure effective upon its approval; and
- (2) Making technical nonsubstantive changes for the purpose of style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2183, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2183, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3786 Ways and Means on H.B. No. 2486

The purpose and intent of this measure is to promote sustainability in the State.

More specifically, this measure:

- (1) Establishes within the Office of Planning the Statewide Sustainability Branch;
- (2) Updates the roles and responsibilities of the Office of Planning to require the office to engage in:
 - (A) Sea level rise adaptation coordination;
 - (B) Climate adaptation and sustainability planning and coordination; and
 - (C) Providing assistance to state and county agencies regarding climate change and sustainability;
- (3) Repeals the requirement that the Office of Planning submit to the Governor and Legislature an annual report regarding climate adaptation planning; and
- (4) Requires the State Sustainability Coordinator to serve as the administrator of the Statewide Sustainability Branch.

Your Committee received written comments in support of this measure from the Department of Health, Department of Transportation, Land Use Commission, Office of Planning, Honolulu Board of Water Supply, Hawaii Cattlemen's Council, Hawaii Food Industry Association, Healthy Climate Communities, PonoHolo Ranch Limited, and five individuals.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee finds that the coronavirus disease 2019 pandemic has caused a substantial negative impact to the State's economy. Your Committee further finds that establishing a Statewide Sustainability Branch within the Office of Planning and updating the office's responsibilities will allow the office to effectuate the necessary levels of sustainability planning to achieve economic recovery and resilience in the State.

Your Committee has amended this measure by:

- (1) Codifying in statute the requirement that the State Sustainability Coordinator serve as the administrator of the Statewide Sustainability Branch; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2486, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2486, H.D. 2, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, none.

SCRep. 3787 Ways and Means on H.B. No. 2738

The purpose and intent of this measure is to deter foreign corporate spending and influence on the State's elections.

More specifically, the measure:

- (1) Prohibits foreign nationals and foreign corporations from making independent expenditures;
- (2) Requires every corporation that contributes or expends funds in a State election to file a statement of certification regarding its status as a foreign corporation; and
- (3) Requires noncandidate committees making only independent expenditures to obtain a statement of certification from each top contributor.

Your Committee received written comments in support of this measure from the League of Women Voters Hawaii and one individual.

Your Committee finds that this measure will help preserve Hawaii's democratic self-governance by protecting the integrity of the State's elections from foreign corporate influence.

Your Committee has amended this measure by:

- (1) Making the measure effective upon its approval; and
- (2) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2738, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2738, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.
Ayes, 12. Noes, none. Excused, none.

SCRep. 3788 Ways and Means on H.B. No. 460

The purpose and intent of this measure is to:

- (1) Prohibit a county from accepting a discounted payment of a fine levied by the county planning and permitting department or agency; and
- (2) Require the Auditor to conduct an annual audit of the fines levied and collected by the counties.

Prior to decision making on this measure, your Committee made available for public review a proposed S.D. 1 of this measure. The proposed S.D. 1 deletes the existing provisions of this measure and replaces its contents with provisions to provide better regulation and accountability of short-term rentals by:

- (1) Clarifying the authority of counties to regulate hosting platforms;
- (2) Authorizing the counties to establish a registry of lawfully authorized or permitted short-term rentals for public inspection and accountability;
- (3) Authorizing the counties to require short-term rental operators or owners to list the complete physical address, including unit number if applicable, short-term rental registration or certificate or permit number, and tax map key of the short-term rental property in any posting or advertisement on a hosting platform;
- (4) Authorizing the counties to prohibit hosting platforms from completing any booking transaction for a short-term rental unless it is listed on a county's registry at the time the hosting platform receives a fee for the booking transaction;
- (5) Authorizing the counties to prohibit hosting platforms from collecting or receiving fees, directly or indirectly through an agent or intermediary, for facilitating or providing services ancillary to a short-term rental;
- (6) Authorizing the counties to subpoena records from hosting platforms to seek out illegally operating short-term rentals; and
- (7) Requiring all persons arriving into a county to submit and confirm the complete physical address of their place-of-stay, including unit number if applicable.

Your Committee received written comments in support of this measure from the Mayor of the County of Maui, Department of Planning and Permitting of the City and County of Honolulu, County of Hawaii Planning Department, Department of Planning of the County of Maui, a member of the Maui County Council, American Hotel and Lodging Association, Hawaii Lodging and Tourism Association, Kakaako United, Turtle Bay Resort, and numerous individuals.

Your Committee received written comments in opposition to this measure from Airbnb; Bed and Breakfast/Transient Vacation Units Association of Oahu; Exit Real Estate Associates; Expedia Group; Hawaii First Realty, LLC; Hawaii Life Real Estate Brokers at the Gold Coast; Hawaii's Best Properties, LLC; Rent Responsibly; Rental By Owner Awareness Association; Super Clean Vacation Rentals; and numerous individuals.

Your Committee received comments on this measure from two individuals.

Your Committee finds that the proliferation of illegal "short-term rentals," which are generally transient accommodations other than hotels and motels, has adversely impacted the State. Short-term rentals pose health and safety risks to local residents and guests, reduce the availability of permanent housing, drive up residential rental rates, and adversely alter the character and quality of residential neighborhoods. Your Committee also finds that the proliferation of illegal short-term rentals has been particularly difficult to regulate because owners and operators are able to attract and transact business through online hosting platforms.

Your Committee has amended this measure by adopting the Proposed S.D. 1 and further amending the Proposed S.D. 1 by:

- (1) Expanding the methods by which place-of-stay information may be conveyed to the counties;
- (2) Clarifying that any person who defaces a place-of-stay declaration form, gives false information, or fails to declare the person's place of stay is in violation of section 710-1063, Hawaii Revised Statutes; and
- (3) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 460, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 460, H.D. 1, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 11. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3789 (Majority) Ways and Means on H.B. No. 2502

The purpose and intent of this measure is to ensure the State is able to respond to outbreaks of communicable or dangerous diseases.

Specifically, this measure:

- (1) Authorizes the Director of Health, upon consultation with and authorization from the Governor, to declare a public health emergency and require the screening, testing, and monitoring of travelers entering the State;
- (2) Provides penalties for noncompliance;
- (3) Amends and adds definitions and procedural and administrative provisions to chapter 325, Hawaii Revised Statutes;
- (4) Establishes a travelers screening special fund and appropriates funds into and out of that special fund; and
- (5) Repeals statutory prohibitions on the use of telephone services as part of telehealth coverage.

Your Committee received written comments in support of this measure from the Department of Health, Hawaii Primary Care Association, and five individuals.

Your Committee received written comments in opposition to this measure from a Kauai County Council member; Conscious Riddims Records; Spectra Analytical Laboratory; Hawaii Association of Health Plans; Hawaiian Sustainability Foundation; Hawaii for Informed Consent; Hardknocks, Inc.; Sacred Healing Arts, LLC; National Coalition for a Civil Right to Counsel; Activities and Attractions Association of Hawaii; Berean Beacon; For Our Rights; Austin Watersports, LLC; Hawaii Autism Foundation; Lei Papahi; Soul Surfing Maui, LLC; wesource.us; ALOHA Kauai Yoga and Peace Festival; Aloha Aina Adaptogenics; Soul Surfer and Company, LLC; Hawaii Cannabis Care; True Pilates Maui; Native Hawaiian Gathering Rights Association; Kingdom Convoy; Seeds of Truth; Lifetime Family Wellness Centers; Sprouts Therapy; and numerous individuals.

Your Committee received written comments on this measure from the Department of Human Services, Department of the Attorney General, Insurance Division of the Department of Commerce and Consumer Affairs, The Queen's Health Systems, Tax Foundation of Hawaii, Hawaii Medical Service Association, Grassroot Institute of Hawaii, and one individual.

Your Committee finds that the State's experience with the coronavirus disease 2019, or COVID-19, pandemic demonstrates the need for preparation, flexibility, and quick action in the face of ongoing or new risks presented by outbreaks of communicable or dangerous diseases in the State or in other parts of the world. Your Committee further finds that a screening process for incoming travelers is a key component in the containment or mitigation of the spread of disease.

Your Committee has amended this measure by:

- (1) Deleting the requirement that the Department of Health establish interim rules pursuant to chapter 91;
- (2) Requiring the Department of Health to consult with or receive authorization or approval from the Governor before taking certain actions under chapter 325, Hawaii Revised Statutes;
- (3) Requiring that a judicial hearing take place within seven calendar days, rather than ten days, of the date a request is filed with a court;
- (4) Clarifying that the judicial decisions pursuant to chapter 325, Hawaii Revised Statutes, with respect to whether an individual should be quarantined shall be based on clear and convincing evidence; provided that, in hearings to contest the individual's treatment or the terms and conditions of the quarantine or isolation, judicial decisions shall be based on a preponderance of the evidence;
- (5) Adding the term "health care provider" to the list of definitions in a new section of chapter 325, Hawaii Revised Statutes;
- (6) Deleting provisions that would repeal the statutory prohibitions on the use of telephone services as part of telehealth coverage;
- (7) Allocating \$5,200,000 of funds allocated to the State by the Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, to be used for purposes of health assurance for the period from July 1, 2020, to December 28, 2020;
- (8) Allocating \$18,000,000 of revenues collected by the transient accommodations tax pursuant to chapter 237D, Hawaii Revised Statutes, to the travelers screening special fund, and appropriating the same amount out of the travelers screening special fund to be used for purposes of health assurance for the period from January 1, 2021, to June 30, 2021;
- (9) Allocating \$5,000,000 of funds allocated to the State by the Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, to be used to provide grants for qualifying hotels to provide COVID-19 testing for employees;
- (10) Adding a savings clause;
- (11) Changing the sunset provisions by:
 - (A) Changing the sunset date from June 30, 2025, to June 30, 2022;
 - (B) Clarifying that the repeal provisions shall apply only to section 325-J, Hawaii Revised Statutes, and the amendments made to section 325-8(e) to (n), Hawaii Revised Statutes, instead of parts III and IV of the measure; and
 - (C) Providing that upon repeal, section 325-8(e) to (n) shall be reenacted in the form in which it read on the day prior to the effective date of this measure;
- (12) Changing the effective date to July 1, 2020; and
- (13) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2502, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2502, H.D. 1, S.D. 2.

Signed by the Chair on behalf of the Committee.

Ayes, 11; Ayes with Reservations (Kanuha, Riviere, Fevella). Noes, 1 (Kahele). Excused, none.

SCRep. 3790 Commerce, Consumer Protection, and Health on Gov. Msg. Nos. 852, 853, and 854

Recommending that the Senate advise and consent to the nominations of the following:

STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

G.M. No. 852 DEBORAH KOBAYAKAWA, for a term to expire 06-30-2023;

G.M. No. 853 RENEE MANFREDI, for a term to expire 06-30-2024; and

G.M. No. 854 ROBERT WHITAKER, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Deborah Kobayakawa, Renee Manfredi, and Robert Whitaker for service on the State Council on Developmental Disabilities.

DEBORAH KOBAYAKAWA

Your Committee received testimony in support of the nomination for the appointment of Deborah Kobayakawa from the State Council on Developmental Disabilities and two individuals. Your Committee received testimony in opposition to the nomination for the appointment of Deborah Kobayakawa from one individual.

Upon review of the testimony, your Committee finds that Ms. Kobayakawa's background and dedication to serving the public qualify her to be appointed to the State Council on Developmental Disabilities. Your Committee notes that Ms. Kobayakawa is currently a Group Facilitator for Ho'omana Parent Support Group and Owner and Operator of Heart to Heart Parent Consulting and has worked as a special education teacher for eleven years. Ms. Kobayakawa is also highly active in the community as an active and engaged volunteer for the disability community. Your Committee finds that Ms. Kobayakawa has a thorough understanding of the role and responsibilities of council members and her extensive experience in advocating for people with disabilities, as well as her professional experience in the public education system, will enhance the effectiveness of the State Council on Developmental Disabilities. Your Committee therefore recommends that Ms. Kobayakawa be appointed to the State Council on Developmental Disabilities based on her knowledge, background, and dedication to public service.

RENEE MANFREDI

Your Committee received testimony in support of the nomination for the reappointment of Renee Manfredi from the State Council on Developmental Disabilities and five individuals.

Upon review of the testimony, your Committee finds that Ms. Manfredi's background and dedication to serving the public qualify her to be reappointed to the State Council on Developmental Disabilities. Your Committee notes that Ms. Manfredi is a trainer for Feeling Safe Being Safe, providing information to people with developmental disabilities on how to be prepared for an emergency or disaster. Ms. Manfredi previously served as a member of the Council and has extensive leadership experience as President of the Hawaii Self-Advocacy Advisory Council and Board Member of Special Olympics Hawaii. Your Committee finds that Ms. Manfredi has a thorough understanding of the role and responsibilities of council members and her extensive experience as an advocate for people with disabilities will continue to enhance the effectiveness of the State Council on Developmental Disabilities. Your Committee therefore recommends that Ms. Manfredi be reappointed to the State Council on Developmental Disabilities based on her knowledge, background, and dedication to public service.

ROBERT "JACK" WHITAKER

Your Committee received testimony in support of the nomination for the appointment of Robert "Jack" Whitaker from the State Council on Developmental Disabilities and two individuals.

Upon review of the testimony, your Committee finds that Mr. Whitaker's background and dedication to serving the public qualify him to be appointed to the State Council on Developmental Disabilities. Your Committee notes that Mr. Whitaker has an extensive employment history, including working as a bell ringer for the Salvation Army in Kapolei and general laborer at various businesses in Oxford, Mississippi. His appointment to the Council would fulfill the federal requirement for representatives of individuals with developmental disabilities. Mr. Whitaker is also highly active in the community, participating in Special Olympics and volunteering at local hospitals and nursing homes. Your Committee finds that Mr. Whitaker has a thorough understanding of the role and responsibilities of council members and his extensive work experience will enhance the effectiveness of the State Council on Developmental Disabilities. Your Committee therefore recommends that Mr. Whitaker be appointed to the State Council on Developmental Disabilities based on his knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Commerce, Consumer Protection, and Health that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Fevella).

SCRep. 3791 Energy, Economic Development, and Tourism on Gov. Msg. Nos. 812, 813, and 814

Recommending that the Senate advise and consent to the nominations of the following:

STADIUM AUTHORITY

G.M. No. 812 KAU'I BURGESS, for a term to expire 06-30-2024;

G.M. No. 813 ERIC FUJIMOTO, for a term to expire 06-30-2024; and

G.M. No. 814 JOHN FINK, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Kau'i Burgess, Eric Fujimoto, John Fink for service on the Stadium Authority.

KAU'I BURGESS

Your Committee received testimony in support of the nomination for the appointment of Kau'i Burgess from the Department of Accounting and General Services, Office of Hawaiian Affairs, Stadium Authority, Council for Native Hawaiian Advancement, Papa Ola Lokahi, Native Hawaiian Education Council, and eight individuals.

Upon review of the testimony, your Committee finds that Ms. Burgess' background and dedication to serving the public qualify her to be appointed to the Stadium Authority. Your Committee notes that Ms. Burgess has roughly thirteen years of community outreach experience in the State. Ms. Burgess is currently the Community and Government Relations Director responsible for advancing Kamehameha School's advocacy strategies and strengthening community relationships. Ms. Burgess is also active in the community where she has volunteered in various capacities at local churches. Your Committee finds that Ms. Burgess has a thorough understanding of the role and responsibilities of board members and her extensive experience in community outreach and demonstrated understanding of Native Hawaiian issues will enhance the effectiveness of the Stadium Authority. Your Committee therefore recommends that Ms. Burgess be appointed to the Stadium Authority based on her knowledge, background, and dedication to public service.

ERIC FUJIMOTO

Your Committee received testimony in support of the nomination for the appointment of Eric Fujimoto from the Department of Accounting and General Services, Stadium Authority, and three individuals.

Upon review of the testimony, your Committee finds that Mr. Fujimoto's experience, background, and commitment to public service qualify him for appointment to the Stadium Authority. Your Committee notes that Mr. Fujimoto has been a Private Wealth Advisor at Ho'ea Wealth Advisory Group, a private wealth advisory practice of Ameriprise Financial Services, since 1994. During the course of Mr. Fujimoto's career, he has gained broad experience providing financial advice in the State and was recently ranked number one in Hawaii in Forbes Best in State Wealth Advisor, a ranking he has held since 2018. Your Committee finds that Mr. Fujimoto has a thorough understanding of the roles and responsibilities of the Stadium Authority and his extensive experience in financial services will be a great asset to the Stadium Authority. Your Committee therefore recommends that Mr. Fujimoto be appointed to the Stadium Authority based on his knowledge, experience, and commitment to public service.

JOHN FINK

Your Committee received testimony in support of the nomination for the reappointment of John Fink from the Department of Accounting and General Services, Stadium Authority, and three individuals.

Upon review of the testimony, your Committee finds that Mr. Fink's experience, background, and commitment to public service qualify him for reappointment to the Stadium Authority. Your Committee notes that Mr. Fink has over forty years of experience in television and radio broadcasting in Hawaii. Mr. Fink is highly active in the community in various capacities as a member of the St. Francis Healthcare System Board of Directors; Hawaii Sports Commission; Board member of 'Ahaui Koa Anuenue, University of Hawaii Athletics; Hawaiian Airlines Diamondhead Classic Steering Committee; and Aloha Festivals Board of Directors. Your Committee further finds that Mr. Fink has served on the Stadium Authority since 2016. Mr. Fink's experience and knowledge will continue to be assets to the Stadium Authority. Your Committee therefore recommends that Mr. Fink be reappointed to the Stadium Authority based on his experience, knowledge, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Energy, Economic Development, and Tourism that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keohokalole, Fevella).

SCRep. 3792 (Joint) Energy, Economic Development, and Tourism and Water and Land on S.C.R. No. 49

The purpose and intent of this measure is to request that the Hawaii Community Development Authority devise and adopt a transit-oriented development plan, including transient-oriented development rules, for the Kakaako Community Development District.

Your Committees received testimony in support of this measure from the Hawaii Community Development Authority, Kamehameha Schools, Land Use Research Foundation of Hawaii, and The Howard Hughes Corporation. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the City and County of Honolulu Department of Planning and Permitting.

Your Committees find that successful planning for growth and development in the State requires increasing the density of existing and new communities. Your Committees further find that well-designed and well-integrated, higher-density development near a rail transit system can significantly reduce dependency on motor vehicles, thereby reducing the adverse environmental impacts resulting from significant motor vehicle use. As the State moves toward more transit-oriented development with the introduction of the transit rail system, more guidance on land use, circulation, urban design, housing, community facilities, pedestrian amenities, historic and cultural enhancements, and infrastructure is necessary to properly utilize urban areas such as Kakaako. This measure will improve transit-oriented development in Kakaako by requiring the Hawaii Community Development Authority to devise and adopt a transit-oriented development plan.

Your Committees have amended this measure by:

- (1) Inserting language regarding the final environmental impact statement accepted by the Hawaii Community Development Authority;
- (2) Requesting the Hawaii Community Development Authority to update the transit-oriented development overlay plan to complement the adjacent transit-oriented development plans of the City and County of Honolulu, rather than requesting the Development Authority to devise and adopt a transit oriented development plan, including transit-oriented development rules;
- (3) Changing the due date for a copy of the updated transit-oriented development overlay plan from the Regular Session of 2021 to the Regular Session of 2022;
- (4) Amending its title in accordance with its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 49, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 49, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

Water and Land: Ayes, 5. Noes, none. Excused, none.

SCRep. 3793 (Joint) Energy, Economic Development, and Tourism and Water and Land on S.R. No. 28

The purpose and intent of this measure is to request that the Hawaii Community Development Authority devise and adopt a transit-oriented development plan, including transient-oriented development rules, for the Kakaako Community Development District.

Your Committees received testimony in support of this measure from the Hawaii Community Development Authority, Kamehameha Schools, Land Use Research Foundation of Hawaii, and The Howard Hughes Corporation.

Your Committees find that successful planning for growth and development in the State requires increasing the density of existing and new communities. Your Committees further find that well-designed and well-integrated, higher-density development near a rail transit system can significantly reduce dependency on motor vehicles, thereby reducing the adverse environmental impacts resulting from significant motor vehicle use. As the State moves toward more transit-oriented development with the introduction of the transit rail system, more guidance on land use, circulation, urban design, housing, community facilities, pedestrian amenities, historic and cultural enhancements, and infrastructure is necessary to properly utilize urban areas such as Kakaako. This measure will improve transit-oriented development in Kakaako by requiring the Hawaii Community Development Authority to devise and adopt a transit-oriented development plan.

Your Committees have amended this measure by:

- (1) Inserting language regarding the final environmental impact statement accepted by the Hawaii Community Development Authority;
- (2) Requesting the Hawaii Community Development Authority to update the transit-oriented development overlay plan to complement the adjacent transit-oriented development plans of the City and County of Honolulu, rather than requesting the Development Authority to devise and adopt a transit oriented development plan, including transit-oriented development rules;
- (3) Changing the due date for a copy of the updated transit-oriented development overlay plan from the Regular Session of 2021 to the Regular Session of 2022;
- (4) Amending its title in accordance with its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Water and Land that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 28, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 28, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 5. Noes, none. Excused, none.

Water and Land: Ayes, 5. Noes, none. Excused, none.

SCRep. 3794 Labor, Culture and the Arts on Gov. Msg. Nos. 809, 810, and 811

Recommending that the Senate advise and consent to the nominations of the following:

KING KAMEHAMEHA CELEBRATION COMMISSION

G.M. No. 809 JERALD KEAULANA, for a term to expire 06-30-2023;

G.M. No. 810 JAMIE WHITTLE-WAGNER, for a term to expire 06-30-2023; and

G.M. No. 811 JESSIE SILVA-DUCAROY, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Jerald Keaulana, Jamie Whittle-Wagner, and Jessie Silva-Ducaroy for service on the King Kamehameha Celebration Commission.

JERALD KEAULANA

Your Committee received testimony in support of the nomination for the appointment of Jerald Keaulana from the King Kamehameha Celebration Commission, Association of Hawaiian Civic Clubs, Makaha Hawaiian Civic Club, and two individuals.

Upon review of the testimony, your Committee finds that Mr. Keaulana's expertise, experience, and history of community involvement qualify him to be appointed to the King Kamehameha Celebration Commission. He has been a pillar of education in Hawaiian culture and social studies for over thirty-four years. Mr. Keaulana is currently responsible for planning, designing, and teaching the Hawaiian Language program at Punahou School. His invaluable contribution to the perpetuation of Hawaiian Culture is extensive. In addition to serving as kumu to 'ōlapa, 'āla'apapa, and pahu hula students, he has imparted knowledge of indigenous lore and culture through oli, hula kuahu, and varied artistic crafting techniques integral to the fabric of Hawaiian culture. Your Committee further finds that Mr. Keaulana presently serves as a board member for Lanikūhonua Cultural Institute, Wai'anae Coast Comprehensive Health Center, Mary Kawena Pukui Society, Lei O Lanikūhonua, and Waihona Mele No'eau. He is also involved in committee work with Honolulu Community College and the University of Hawai'i Community Colleges System. Mr. Keaulana has received numerous accolades including: a Lifetime Achievement Award and two Nā Hōkū Hanohano awards from the Hawai'i Academy of Recording Arts; Malia Kau Award, Moanalua Gardens Foundation; I Ulu I Ke Kumu award from the University of Hawai'i; and the Queen Emma Hawaiian Civic Club Award. Your Committee finds that Mr. Keaulana's experience and commitment to the community will be assets to the King Kamehameha Celebration Commission. Your Committee therefore recommends that Mr. Keaulana be appointed to the King Kamehameha Celebration Commission based on his background, knowledge, and desire to serve the community.

JAMIE WHITTLE-WAGNER

Your Committee received testimony in support of the nomination for the appointment of Jamie Whittle-Wagner from the King Kamehameha Celebration Commission, Association of Hawaiian Civic Clubs, and two individuals.

Upon review of the testimony, your Committee finds that Ms. Whittle-Wagner's experience and history of community involvement qualify her for appointment to the King Kamehameha Celebration Commission. Your Committee notes that Ms. Whittle-Wagner possesses considerable experience in administrative and management positions requiring skills in leadership and coordination. She is currently the Community Outreach Coordinator for Ka Hikina O Ka Lā. Ms. Whittle-Wagner has served professionally for several culturally significant organizations such as: Kū Mai Ka Hula Competition Coordinator, Maui Arts & Cultural Center; Registration Module consultant, and Conference Director, Ka 'Aha Hula 'O Halauaola. In addition, your Committee finds that she has participated in The Kamehameha Day Parade for several years as Pā'ū Coordinator, Princess, Attendant, and Coordinator, as well as Event Coordinator for the Aloha Festivals Banyan Tree Ho'olaule'a and Na Mele O Maui. Section 8-5(a)(5), Hawaii Revised Statutes, requires the King Kamehameha Celebration Commission to have at least one member from the Kamehameha Schools Alumni Association. Ms. Whittle-Wagner is a member of the Kamehameha Schools Alumni Association, and her appointment to the Commission will fulfill the statutory requirement for representation from that organization. Your Committee therefore recommends that Jamie Whittle-Wagner be appointed to the King Kamehameha Celebration Commission based on her background, knowledge, and desire to contribute to the community.

JESSIE SILVA-DUCAROY

Your Committee received testimony in support of the nomination for the appointment of Jessie Silva-Ducaroy from the King Kamehameha Celebration Commission, Association of Hawaiian Civic Clubs, Salvation Army, and five individuals.

Upon review of the testimony, your Committee finds that Ms. Silva-Ducaroy's experience, background, and commitment to public service qualify her for appointment to the King Kamehameha Celebration Commission. Your Committee notes that she has experience in musical entertainment contracting and production in music and hula for over twenty-seven years. Your Committee further notes that Ms. Silva-Ducaroy has earned her Master of Arts in Communication with a specialization in Hawaiian Studies Ancestral Background from the University of Hawai'i. She has been an active leader in community organizations, including: President, Kalamaula Homestead Association, Molokai Kuhio Day Celebration; Member, Na Kia'i O Waiola Burial Council, Molokai Visitor's Association; and board of directors, Hawaii Nature Conservancy. Ms. Silva-Ducaroy's professional experience and community involvement will help support the important efforts of the King Kamehameha Celebration Commission. Your Committee therefore recommends that Ms. Silva-Ducaroy be appointed to the King Kamehameha Celebration Commission based on her background, knowledge, and desire to serve the community.

As affirmed by the records of votes of the members of your Committee on Labor, Culture and the Arts that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Fevella).

SCRep. 3795 Agriculture and Environment on Gov. Msg. Nos. 815 and 816

Recommending that the Senate advise and consent to the nominations of the following:

ADVISORY COMMITTEE ON PESTICIDES

G.M. No. 815 JON-PAUL BINGHAM, for a term to expire 06-30-2023; and

G.M. No. 816 TAMMY MURRAY, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Jon-Paul Bingham and Tammy Murray for service on the Advisory Committee on Pesticides.

JON-PAUL BINGHAM

Your Committee received testimony in support of the nomination for the reappointment of Jon-Paul Bingham from the Department of Agriculture, University of Hawaii System, Hawaii Farm Bureau, Ponoholo Ranch Limited, and one individual.

Upon review of the testimony, your Committee finds that Dr. Bingham's knowledge and experience qualify him for reappointment to the Advisory Committee on Pesticides as a representative of the University of Hawaii College of Tropical Agriculture and Human Resources. Dr. Bingham is employed as an Associate Professor and Graduate Chair of the University of Hawaii's Department of Molecular Bioscience and Bioengineering, where he continues to focus on the development of peptide toxins (conotoxins) as novel probes for mammalian and invertebrate ion channels. Dr. Bingham is also the Director of the Idea Networks of Biomedical Research Excellent III Pathways to Biomedical Careers Program, where he has coordinated all undergraduate biomedical research activities across the University of Hawaii System since 2017. Dr. Bingham earned a doctorate in Biochemistry from the University of Queensland, Brisbane, Australia. He was a Board Director and Scientific Advisor to the Hawaiian Malacological Society and is currently serving as its President. Your Committee further finds that Dr. Bingham has served on the Advisory Committee on Pesticides since 2017. Your Committee therefore recommends that Dr. Bingham be reappointed to the Advisory Committee on Pesticides based on his experience, knowledge, and demonstrated commitment to public service.

TAMMY MURRAY

Your Committee received testimony in support of the nomination for the reappointment of Tammy Murray from the Department of Agriculture, Hawaii Farm Bureau, Hawaii Pest Control Association, Ponoholo Ranch Limited, and one individual.

Upon review of the testimony, your Committee finds that Ms. Murray's experience and background qualify her for reappointment to the Advisory Committee on Pesticides as a representative of the Structural Pest Control Industry. Your Committee notes that Ms. Murray is the owner of Aloha Termite & Pest Control, Inc. and has over twenty years of termite and pest control experience on Oahu. Ms. Murray has served as the President of the Hawaii Pest Control Association Board for three consecutive terms. Your Committee further finds that Ms. Murray is currently serving on the Advisory Committee on Pesticides and that her knowledge of the pesticide industry, along with the latest pest control uses and practices, will continue to be assets to the Advisory Committee on Pesticides. Your Committee therefore recommends that Ms. Murray be reappointed to the Advisory Committee on Pesticides based on her experience and demonstrated commitment to public service.

As affirmed by the records of votes of the members of your Committee on Agriculture and Environment that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

SCRep. 3796 Agriculture and Environment on Gov. Msg. No. 817

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF AGRICULTURE

G.M. No. 817 VINCENT MINA, for a term to expire 06-30-2024

Your Committee reviewed the personal history, resume, and statement submitted by Vincent Mina for service on the Board of Agriculture.

Your Committee received testimony in support of the nomination for the reappointment of Vincent Mina from the Department of Agriculture, University of Hawai'i System, Hawaii Farm Bureau, Ka Ohana O Na Pua, Ponoholo Ranch Limited, and three individuals.

Upon review of the testimony, your Committee finds that Mr. Mina's background and experience qualify him for reappointment to the Board of Agriculture as a representative from Maui County. Mr. Mina is the co-owner of Kahanu Aina Greens, an organic farm that has grown, harvested, and delivered vegetables across Maui since 1994. He is also the founder and current President of Hawaii Farmers Union United, which has represented and advocated for family farmers and ranchers in Hawaii since 2012. Your Committee further finds that Mr. Mina has served on the Board of Agriculture since 2018. Your Committee therefore recommends that Mr. Mina be reappointed to the Board of Agriculture based on his background, knowledge, and demonstrated commitment to public service.

As affirmed by the records of votes of the members of your Committee on Agriculture and Environment that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

SCRep. 3797 Agriculture and Environment on Gov. Msg. Nos. 827, 828, 829, and 830

Recommending that the Senate advise and consent to the nominations of the following:

ENVIRONMENTAL COUNCIL

G.M. No. 827 ROY ABE, for a term to expire 06-30-2024;

G.M. No. 828 IAN KAYE, for a term to expire 06-30-2024;

G.M. No. 829 MICHAEL TULANG, for a term to expire 06-30-2024; and

G.M. No. 830 PUANANIONAONA THOENE, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Roy Abe, Ian Kaye, Michael Tulang, and Puananiaona Thoenne for service on the Environmental Council.

ROY ABE

Your Committee received testimony in support of the nomination for the reappointment of Roy Abe from the Hawaii State Energy Office and two individuals.

Upon review of the testimony, your Committee finds that Mr. Abe's experience and background in freshwater and nearshore/coastal water quality and ecosystems qualify him for reappointment to the Environmental Council. Mr. Abe is a Vice President and a part-time retired Senior Project Manager of HDR, Inc., an employee-owned design firm specializing in engineering, architecture, environmental, and construction services. Mr. Abe earned a Master of Science degree in Civil and Environmental Engineering from the University of California, Berkeley and a Bachelor of Science degree in Civil Engineering from University of Hawaii at Manoa. Your Committee notes that Mr. Abe is a licensed civil engineer, who has completed many challenging wastewater, water, and infrastructure projects during a thirty-five-year career as a consulting engineer specializing in sanitary engineering. He is also actively involved in the Hawaii Water Environment Association, the local affiliate of the Water Environment Federation. Your Committee further finds that Mr. Abe has served on the Environmental Council since 2017. Your Committee therefore recommends that Mr. Abe be reappointed to the Environmental Council based on his knowledge and demonstrated commitment to public service.

IAN KAYE

Your Committee received testimony in support of the nomination for the reappointment of Ian Kaye from the Hawaii State Energy Office and three individuals.

Upon review of the testimony, your Committee finds that Mr. Kaye's background and experience in management consulting and conservation qualify him for reappointment to the Environmental Council. Mr. Kaye cofounded the Lanai Limu Restoration Project, and recently co-created Lanai Changes, a community development corporation dedicated to providing diversity in Lanai's economic future. He is also the spokesperson for Friends of Lanai and provides consulting services to several Lanai nonprofit organizations through his management consulting firm, Dewey & Kaye, Inc. Mr. Kaye currently serves on the Board of the Conservation Council for Hawaii. Your Committee further finds that Mr. Kaye has served on the Environmental Council since 2017. Your Committee therefore recommends that Mr. Kaye be reappointed to the Environmental Council based on his experience and demonstrated commitment to public service.

MICHAEL TULANG

Your Committee received testimony in support of the nomination for the reappointment of Michael Tulang from the Hawaii State Energy Office, Hawaii Farm Bureau, Ponoholo Ranch Limited, and four individuals.

Upon review of the testimony, your Committee finds that Mr. Tulang's experience and background in agriculture and conservation qualify him for reappointment to the Environmental Council. Your Committee notes that before his retirement in 2009, Mr. Tulang worked for the United States Department of Agriculture Natural Resources Conservation Service from 1967 to 1996 in various roles. He also served as the Executive Director of the Hawaii Association of Conservation Districts from 1996 to 2002. Mr. Tulang earned both Bachelor and Master of Science degrees in Agricultural Resource Economics from the University of Hawaii at Manoa. Your Committee further notes that Mr. Tulang was a member of the Hawaii County Council from 2002 to 2004. He is currently an active board member for the Boys and Girls Club and the Hawaii Island Workforce and Economic Development Ohana. Your Committee further finds that Mr. Tulang also currently serves on the Environmental Council and that his experience and knowledge will continue to be assets to the Environmental Council. Your Committee therefore recommends that Mr. Tulang be reappointed to the Environmental Council based on his knowledge and demonstrated commitment to public service.

PUANANIONAONA THOENE

Your Committee received testimony in support of the nomination for the reappointment of Puananiaona Thoenne from the Hawaii State Energy Office, Carlsmith Ball LLP, and three individuals.

Upon review of the testimony, your Committee finds that Ms. Thoenne's background and knowledge in real property, environmental, land use, and administrative law qualify her for reappointment to the Environmental Council. Ms. Thoenne is currently a partner at Carlsmith Ball LLP, where she has practiced since 2013. She received her juris doctorate, magna cum laude, from the University of Hawaii at Manoa, William S. Richardson School of Law with certificates in environmental law and native Hawaiian law, and a bachelor's degree in Business Administration, cum laude, from the University of San Diego. Ms. Thoenne currently serves on the Oahu Island Advisory Council for the Hawaiian Islands Land Trust. Your Committee further finds that Ms. Thoenne has served on the Environmental Council since 2016 and has been the Chair of the Environmental Council since 2018. Your Committee therefore recommends that Ms. Thoenne be reappointed to the Environmental Council based on her knowledge, experience, and demonstrated commitment to public service.

As affirmed by the records of votes of the members of your Committee on Agriculture and Environment that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ruderman, Fevella).

SCRep. 3798 Human Services on Gov. Msg. Nos. 823, 824, 846, 847, and 848

Recommending that the Senate advise and consent to the nominations of the following:

COMMISSION ON FATHERHOOD

- G.M. No. 823 CHAD HASEGAWA, for a term to expire 06-30-2021;
G.M. No. 824 ALLEN CARDINES, JR., for a term to expire 06-30-2021;
G.M. No. 846 ANTHONY MENDEZ, for a term to expire 06-30-2023;
G.M. No. 847 RICKY KANG, for a term to expire 06-30-2023; and
G.M. No. 848 DAVID LUNCEFORD, for a term to expire 06-30-2024

Your Committee reviewed the personal histories and resumes submitted by Chad Hasegawa; Allen Cardines, Jr.; Anthony Mendez; Ricky Kang; and David Lunceford for service on the Commission on Fatherhood.

CHAD HASEGAWA

Your Committee received testimony in support of the nomination for the appointment of Chad Hasegawa from one individual.

Upon review of the testimony, your Committee finds that Mr. Hasegawa's experience, background, and commitment to public service qualify him for appointment to the Commission on Fatherhood. Your Committee notes that Chad Hasegawa was the former Director of Operations and Athletic Director/Facilities Manager of the Boys and Girls Club of the Big Island. Mr. Hasegawa is currently the owner of C. Hasegawa Land Management, LLC. He also serves on the Hawaii County Economic Opportunity Council as the Interim Executive Director. Your Committee finds that in this role, he has demonstrated a keen understanding of the needs of his community through his design and execution of programs that serve the organization's mission and the low to moderate income community. During the course of Mr. Hasegawa's career, he has gained a broad range of experience, knowledge, and education. Your Committee further notes that Mr. Hasegawa has a thorough understanding of the roles and responsibilities as a member of the Commission on Fatherhood. Your Committee therefore recommends that Mr. Hasegawa be appointed to the Commission on Fatherhood based on his knowledge, experience, and commitment to public service.

ALLEN CARDINES, JR.

Your Committee received testimony in support of the nomination for the appointment of Allen Cardines, Jr. from the Department of Education-Leeward District and six individuals.

Upon review of the testimony, your Committee finds that Mr. Cardines' experience, background, and commitment to public service qualify him for appointment to the Commission on Fatherhood. Your Committee finds that Mr. Cardines has been pastor at Hope Chapel Nānākuli since 2002, working to create a safe community of healthy relationships within families. Mr. Cardines is the current Director of Community Relations for Hawaii Family Forum, an organization that provides resources to equip citizens with information on social policy matters relative to the well-being of the family as a building block of society through legislative advocacy. Additionally, he works with Transform Our World Hawai'i, a network of pastors, business leaders, ministry leaders, church members, and community leaders committed to bolstering the welfare of the people of Hawai'i. Your Committee also finds that Mr. Cardines serves several community groups to help foster, empower, and transform a more cohesive family unit in the community, including the Honolulu Community Action Program; Hui Ho'omalulu of Partners in Development; Honolulu Police Department, Community Policing Team - District Eight; Nā Leo Kāne Advisory Team; and administrative leaders of Nanakuli-Waianae Complex and Kamehameha Schools Waianae Coast Region. Your Committee further finds that Mr. Cardines has a thorough understanding of the role and responsibilities of board members and his extensive experience will continue to enhance the effectiveness of the Commission on Fatherhood. Your Committee therefore recommends that Mr. Cardines be appointed to the Commission on Fatherhood based on his knowledge, background, and dedication to public service.

ANTHONY MENDEZ

Your Committee received testimony in support of the nomination for the appointment of Anthony Mendez from four individuals.

Upon review of the testimony, your Committee finds that Mr. Mendez's experience, background, and commitment to public service qualify him for appointment to the Commission on Fatherhood. Your Committee finds that Mr. Mendez has counseled adolescents with substance abuse for over thirteen years with the Institute for Family Enrichment. For the Oahu Community Correction Center, Mr. Mendez taught family and life skills through the Nurturing Fathers program. Currently, as a substance abuse counselor, Mr. Mendez is specialized in group, individual, and co-counseling. During the course of his career, Mr. Mendez has gained broad experience and knowledge in leadership and organization. Your Committee also finds that Mr. Mendez has a thorough understanding of the role and responsibilities of a board member and will enhance the effectiveness of the Commission on Fatherhood. Your Committee therefore recommends that Mr. Mendez be appointed to the Commission on Fatherhood based on his knowledge, experience, and commitment to public service.

RICKY KANG

Your Committee received testimony in support of the nomination for the appointment of Ricky Kang from the Department of Human Services, Prince Kūhiō Hawaiian Civic Club, and five individuals.

Upon review of the testimony, your Committee finds that Mr. Kang's experience, background, and commitment to public service qualify him for appointment to the Commission on Fatherhood. Your Committee finds that Mr. Kang has been an instructor since 2013 with Leeward Community College. As Coordinator he facilitates culturally-based support groups and effectively implements programs that have direct impact on student success, namely Access to Education and Going to Finish On-time. Mr. Kang created the Access to Education program as a high touch and engagement program that provides additional personal and academic support to students with challenging obstacles to overcome in their educational journey. Your Committee also finds that Mr. Kang is currently the Ho'omakua Program Manager helping to promote Keiki O Ka Aina grant initiatives in the community, as well as facilitate fathering and life skills transitions for incarcerated fathers in state prisons and correctional facilities on Oahu and Hawai'i. During the course of his career,

Mr. Kang has gained broad experience and knowledge in organizational leadership. Your Committee further finds that Mr. Kang has a thorough understanding of the role and responsibilities of a board member and will enhance the effectiveness of the Commission on Fatherhood. Your Committee therefore recommends that Mr. Kang be appointed to the Commission on Fatherhood based on his knowledge, experience, and commitment to public service.

DAVID LUNCEFORD

Your Committee received testimony in support of the nomination for the appointment of David Lunceford from two individuals.

Upon review of the testimony, your Committee finds that Mr. Lunceford's experience, background, and commitment to public service qualify him for appointment to the Commission on Fatherhood. Your Committee notes that Mr. David Lunceford has demonstrated a proven commitment to the community as a dedicated social worker since 2007. He currently serves as Program Director for PARENTS Inc. where he conducts quality assurance for programs including Common Core state standards, intensive home-based services, voluntary case management, and providing safe and stable families. Your Committee also finds that Mr. Lunceford has a thorough understanding of the role and responsibilities of a board member and will enhance the effectiveness of the Commission on Fatherhood. Your Committee therefore recommends that Mr. Lunceford be appointed to the Commission on Fatherhood based on his knowledge, experience, and commitment to public service.

As affirmed by the records of votes of the members of your Committee on Human Services that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the President on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Ihara, Fevella).

SCRep. 3799 Judiciary on Gov. Msg. Nos. 818 and 819

Recommending that the Senate advise and consent to the nominations of the following:

DEFENDER COUNCIL

G.M. No. 818 STANTON OSHIRO, for a term to expire 06-30-2023; and

G.M. No. 819 SETSUKO GORMLEY, for a term to expire 06-30-2023

Your Committee reviewed the personal histories, resumes, and statements submitted by Stanton Oshiro and Setsuko Gormley for service on the Defender Council.

STANTON OSHIRO

Your Committee received testimony in support of the nomination for the reappointment of Stanton Oshiro from the Office of the Public Defender and one individual. Your Committee received testimony in opposition to the nomination for the reappointment of Stanton Oshiro from one individual.

Upon review of the testimony, your Committee finds that Mr. Oshiro's background and dedication to serving the public qualify him to be reappointed to the Defender Council. Your Committee notes that Mr. Oshiro has been a practicing attorney in Hawaii devoted exclusively to criminal defense since 1991. Additionally, Mr. Oshiro is active with the Hawaii State Bar Association and serves as a criminal defense bar representative on the Big Island Multi-Agency, Big Island Bench-Bar, and Statewide Bench-Bar Committees. Your Committee further notes that Mr. Oshiro has served as a member of the Defender Council since 2017 and has a thorough understanding of the roles and responsibilities of the members of the Defender Council. Your Committee therefore recommends that Mr. Oshiro be reappointed to the Defender Council based on his knowledge, background, and dedication to public service.

SETSUKO GORMLEY

Your Committee received testimony in support of the nomination for the appointment of Setsuko Gormley from the Office of the Public Defender and eleven individuals. Your Committee received testimony in opposition to the nomination for the appointment of Setsuko Gormley from one individual.

Upon review of the testimony, your Committee finds that Ms. Gormley's background and dedication to serving the public qualify her to be appointed to the Defender Council. Your Committee notes that Ms. Gormley has been a practicing attorney in Hawaii since 2007. She is currently a solo practitioner focusing on criminal defense, family law, and immigration. Previously, Ms. Gormley worked as a legislative attorney for the Maui County Office of Council Services, served as a Deputy Public Defender in the Office of the Public Defender, and spent two years as a law clerk in the Circuit Court of the Second Circuit. Your Committee finds that Ms. Gormley has a thorough understanding of the role and responsibilities of board members and her extensive experience in criminal defense and the judicial system will enhance the effectiveness of the Defender Council. Your Committee therefore recommends that Ms. Gormley be appointed to the Defender Council based on her knowledge, background, and dedication to public service.

As affirmed by the records of votes of the members of your Committee on Judiciary that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Kim, Fevella).

SCRep. 3800 Water and Land on Gov. Msg. No. 836

Recommending that the Senate advise and consent to the nomination of the following:

KANE'OHE BAY REGIONAL COUNCIL

G.M. No. 836 JEFFREY KALUHIWA, for a term to expire 06-30-2024

Your Committee has reviewed the personal history, resume, and statement submitted by Jeffrey Kaluhiwa for service on the Kāne'ōhe Bay Regional Council.

Your Committee received testimony in support of the nomination of Jeffrey Kaluhiwa from the Department of Land and Natural Resources, Aha Moku Advisory Committee, and Ko'olaupoko Hawaiian Civic club.

Upon review of the testimony, your Committee finds that Jeffrey Kaluhiwa's experience, background, and commitment to public service qualify him for appointment to the Kāne'ōhe Bay Regional Council as a member. Your Committee finds that Jeffrey Kaluhiwa has served on the Kāne'ōhe Bay Regional Council since 2018 where his dedication and commitment to the protection and sustainability of Kāne'ōhe Bay is well known as he is a recipient of traditional, modern, and cultural practices handed down for generations. During the course of Mr. Kaluhiwa's career, he has gained broad experience and knowledge as an expert fisherman (lawai'a), he knows the seasons, tides, species, and other components that balance Kāne'ōhe Bay. Your Committee further notes that Jeffrey Kaluhiwa's previous service on the Kāne'ōhe Bay Regional Council has provided him a thorough understanding of the roles and responsibilities of its members. Your Committee therefore recommends that Jeffrey Kaluhiwa be appointed to the Kāne'ōhe Bay Regional Council based on his knowledge, experience, and commitment to public service.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 3801 Water and Land on Gov. Msg. Nos. 837, 838, and 839

Recommending that the Senate advise and consent to the nominations of the following:

NATURAL AREA RESERVES SYSTEM COMMISSION

G.M. No. 837 JAY PENNIMAN, for a term to expire 06-30-2024;

G.M. No. 838 ARTI CLARK, for a term to expire 06-30-2024; and

G.M. No. 839 DONALD DRAKE, for a term to expire 06-30-2024

Your Committee reviewed the personal histories, resumes, and statements submitted by Jay Penniman, Arti Clark, and Donald Drake for service on the Natural Area Reserves Commission.

JAY PENNIMAN

Your Committee received testimony in support of the nomination for the appointment of Jay Penniman from the Department of Land and Natural Resources, Maui Invasive Species Committee, Ponooho Ranch Limited, and nine individuals.

Upon review of the testimony, your Committee finds that Mr. Penniman's experience and background in wildlife biology and conservation qualify him for appointment to the Natural Area Reserves System Commission as a member possessing scientific qualifications as evidenced by an academic degree in wildlife or marine biology. Mr. Penniman is the Project Manager for the Maui Nui Seabird Recovery Project at the University of Hawaii, Pacific Cooperative Studies Unit. He also works as a Natural Resources Consultant, doing forestry, wildlife, and vegetation surveys, management, and assessment, since 1989. Mr. Penniman earned a Bachelor of Science degree in Natural Sciences from Portland State University, with an emphasis on Wildlife Biology and Native American Studies. He has published several articles and has given presentations on Pacific seabird conservation and management. Mr. Penniman is also actively involved in various local nonprofits, such as Save our Seabirds Maui and the Kaho'olawe Island Faunal Restoration Working Group. Your Committee further notes that Mr. Penniman's experience will provide a diverse and unique perspective to the Natural Area Reserves System Commission. Your Committee therefore recommends that Mr. Penniman be appointed to the Natural Area Reserves System Commission based on his knowledge and desire to contribute to the community.

ARTI CLARK

Your Committee received testimony in support of the nomination for the appointment of Arti Clark from the Department of Land and Natural Resources and twelve individuals.

Upon review of the testimony, your Committee finds that Ms. Clark's experience and background in tropical forestry and endangered species qualify her for appointment to the Natural Area Reserves System Commission as a member possessing scientific qualifications as evidenced by an academic degree in Ecology. Ms. Clark is currently employed as a Fish and Wildlife Biologist by the United States Department of the Interior, U.S. Fish and Wildlife Service, where she provides scientific, technical expertise and collaborates with private landowners, non-governmental organizations, and the State of Hawaii to protect over one hundred seventy federally-listed threatened or endangered species. Ms. Clark earned a Bachelor's degree in Biology with honors from the University of Hawaii, Hilo, with a major in Conservation Biology, Evolution, and Ecology and a minor in Tropical Forestry. Your Committee further finds that Ms. Clark has served on the Natural Area Reserves System Commission as a member representing Kauai since 2016. Ms. Clark's experience and knowledge will be assets to the Natural Area Reserves System Commission. Your Committee therefore recommends that Ms. Clarke be appointed to the Natural Area Reserves System Commission based on her background, experience, and commitment to public service.

DONALD DRAKE

Your Committee received testimony in support of the nomination for the appointment of Donald Drake from the Department of Land and Natural Resources and two individuals.

Upon review of the testimony, your Committee finds that Dr. Drake's experience and background in plant ecology qualify him for appointment to the Natural Area Reserves System Commission as a member possessing scientific qualifications as evidenced by an academic degree in wildlife or marine biology. Dr. Drake is currently employed as the Associate Director of the School of Live Sciences at the University of Hawaii at Manoa. Dr. Drake earned a doctorate in Botany from the University of Hawaii, a Master of Science degree in Botany from Ohio University, and a Bachelor of Science degree in Biology, summa cum laude, from the Florida Institute of Technology. He is a highly-respected botanist with expertise in plant ecology, especially reproductive ecology that influences plant population, which is highly relevant to plant conservation in Hawaii. His recent work has focused on how changes in animal communities that participate in seed pollination, dispersal, and predation affect plant recruitment from seed. Dr. Drake has been actively involved in various botanical conservation organizations, such as the Laukahi: The Hawai'i Plant Conservation, Society for Island Biology, and the Hawaii Rare Plant Restoration Group. Your Committee further notes that Dr. Drake's experience will provide a diverse and unique perspective to the Natural Area Reserves System Commission. Your Committee therefore recommends that Dr. Drake be appointed to the Natural Area Reserves System Commission based on his knowledge, experience, and desire to contribute to the community.

As affirmed by the records of votes of the members of your Committee on Water and Land that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 3802 (Majority) Hawaiian Affairs on Gov. Msg. No. 621

Recommending that the Senate advise and consent to the nomination of the following:

HAWAIIAN HOMES COMMISSION

G.M. No. 621 MICHAEL KALEIKINI, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by Michael Kaleikini for service on the Hawaiian Homes Commission.

Your Committee received testimony in support of the nomination for the appointment of Michael Kaleikini from the Department of Hawaiian Homelands; Hawai'i Island of Chamber of Commerce; Hawaii Leeward Planning Conference; Hawai'i Island Native Chamber of Commerce; Akinaka & Associates, Ltd; Hawaii Island Economic Development Board; and thirteen individuals. Your Committee received testimony in opposition to the nomination for the appointment of Mr. Kaleikini from Napualei o Hina, Kūpuna for the Mo'opuna, Keaukaha Pana'ewa Farmers Association, Sovereign Council of Hawaiian Homestead Association, and thirty-eight individuals. Your Committee received comments on the nomination for the appointment of Mr. Kaleikini from Pa'upena Community Development Inc. and two individuals.

Upon review of the testimony, your Committee finds that Michael Kaleikini's background and dedication to serving the public qualify him to be appointed to the Hawaiian Homes Commission. Your Committee notes that Mr. Kaleikini has had over twenty-eight years of experience in geothermal power plant operations and business development. Mr. Kaleikini is currently the Senior Director of Hawaii Affairs at Puna Geothermal Venture, an Ormat company. Previously, Mr. Kaleikini has worked with numerous government and private entities gaining experience in community education outreach and relationship-building. Your Committee finds that Mr. Kaleikini has a thorough understanding and extensive experience in business management, which will enhance the effectiveness of the Hawaiian Homes Commission. Your Committee therefore recommends that Mr. Kaleikini be appointed to the Hawaiian Homes Commission based on his knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 4; Ayes with Reservations (Ihara, Keohokalole). Noes, 1 (Fevella). Excused, none.

SCRep. 3803 Higher Education on Gov. Msg. No. 841

Recommending that the Senate advise and consent to the nomination of the following:

CENTER FOR NURSING ADVISORY BOARD

G.M. No. 841 DOREEN NAKAMURA, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Doreen Nakamura for service on the Center for Nursing Advisory Board.

Your Committee received testimony in support of the nomination for the appointment of Doreen Nakamura from the Hawaii State Center for Nursing, Times Pharmacy, and seven individuals.

Upon review of the testimony, your Committee finds that Dr. Nakamura's background and dedication to serving the public qualify her to be appointed to the Center for Nursing Advisory Board. Your Committee notes that Dr. Nakamura has thirty-five years of experience in nursing, ten years of which has been in a leadership capacity, which includes supporting professional development and

continuing education. Dr. Nakamura is currently the Director of Clinical Care at UHA Health Insurance. Your Committee finds that Dr. Nakamura is a registered nurse with a doctorate in nursing practice and her knowledge and experience in nursing will enhance the effectiveness of the Center for Nursing Advisory Board. Your Committee therefore recommends that Dr. Nakamura be appointed to the Center for Nursing Advisory Board based on her background, knowledge, and desire to contribute to the community.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

SCRep. 3804 Higher Education on Gov. Msg. No. 842

Recommending that the Senate advise and consent to the nomination of the following:

HAWAI'I COMMISSION FOR NATIONAL AND COMMUNITY SERVICE

G.M. No. 842 NADINE NISHIOKA, for a term to expire 06-30-2021

Your Committee reviewed the personal history, resume, and statement submitted by Nadine Nishioka for service on the Hawai'i Commission for National and Community Service.

Your Committee received testimony in support of the nomination for the reappointment of Nadine Nishioka from one member of the Senate, one member of the House of Representatives, one member of the Honolulu City Council, Hawai'i Commission for National and Community Service, and one individual.

Upon review of the testimony, your Committee finds that Ms. Nishioka's background and dedication to serving the public qualify her to be reappointed to the Board of Directors of the Hawai'i Commission for National and Community Service. Your Committee notes that Ms. Nishioka has been Executive Director of the Moiliili Community Center since 2013 and has served on numerous nonprofit boards, including her present service as Chair of the Hawai'i Commission for National and Community Service. Your Committee finds that Ms. Nishioka has a thorough understanding of the role and responsibilities of Commission members and her extensive experience in nonprofit administration will continue to enhance the effectiveness of the Hawai'i Commission for National and Community Service. Your Committee therefore recommends that Ms. Nishioka be reappointed to the Hawai'i Commission for National and Community Service based on her knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

SCRep. 3805 Higher Education on Gov. Msg. No. 843

Recommending that the Senate advise and consent to the nomination of the following:

HAWAI'I COMMISSION FOR NATIONAL AND COMMUNITY SERVICE

G.M. No. 843 PERRY ARRASMITH, for a term to expire 06-30-2023

Your Committee reviewed the personal history, resume, and statement submitted by Perry Arrasmith for service on the Hawai'i Commission for National and Community Service.

Your Committee received testimony in support of the nomination for the appointment of Perry Arrasmith from the Hawai'i Commission for National and Community Service and three individuals.

Upon review of the testimony, your Committee finds that Mr. Arrasmith's background and dedication to serving the public qualify him to be appointed to the Hawaii Commission for National and Community Service. Your Committee notes that Mr. Arrasmith has experience in volunteerism, civic education, and public policy at Aiea High School and Harvard University. He will represent youth between the ages of sixteen and twenty-five. His thorough understanding of the role and responsibilities of Commission members and his experience in volunteerism, civic education, and public policy will enhance the effectiveness of the Hawai'i Commission for National and Community Service. Your Committee therefore recommends that Mr. Arrasmith be appointed as Commissioner of the Hawai'i Commission for National and Community Service based on his knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

SCRep. 3806 Higher Education on Gov. Msg. No. 844

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF REGENTS OF THE UNIVERSITY OF HAWAI'I

G.M. No. 844 ERNEST WILSON, for a term to expire 06-30-2025

Your Committee reviewed the personal history, resume, and statement submitted by Ernest Wilson for service on the Board of Regents of the University of Hawai'i.

Your Committee received testimony in support of the nomination for the reappointment of Ernest Wilson from eight individuals.

Upon review of the testimony, your Committee finds that Mr. Wilson's background and dedication to serving the public qualify him to be reappointed to the Board of Regents of the University of Hawai'i. Your Committee notes that Mr. Wilson has over fifty-eight years of experience in the fields of travel, hospitality, food service, military logistics, and higher education. Mr. Wilson has spent the last twenty-seven years in academia teaching, developing new curriculum and degree programs, and engaging in leadership roles. Your Committee finds that the Board of Regents as a whole must take a pragmatic, disciplined, and systematic approach to controlling costs instead of approving capital improvement projects, salaries, and other cost items on a piecemeal and ad hoc basis, especially in light of declining enrollment rates. Your Committee further finds that Mr. Wilson has a thorough understanding of the role and responsibilities of board members and his extensive experience as a senior military officer, corporate executive, and academic administrator will continue to enhance the effectiveness of the Board of Regents of the University of Hawai'i. Your Committee therefore recommends that Mr. Wilson be reappointed to the Board of Regents of the University of Hawai'i based on his knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

SCRep. 3807 Higher Education on Gov. Msg. No. 845

Recommending that the Senate advise and consent to the nomination of the following:

BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII

G.M. No. 845 KELII ACOPAN, for a term to expire 06-30-2022 (first name amended to KELLI by GM855)

Your Committee reviewed the personal history, resume, and statement submitted by Kelli Acopan for service on the Board of Regents of the University of Hawai'i.

Your Committee received testimony in support of the nomination for the appointment of Kelli Acopan from eight individuals.

Upon review of the testimony, your Committee finds that Ms. Acopan's background and dedication to serving the public qualify her to be reappointed as the Student Regent of the Board of Regents of the University of Hawai'i. Your Committee notes that Ms. Acopan began her involvement in student government at Windward Community College, where she participated in the legislative process and worked effectively to make the student voice heard on policy and decision-making at both the campus and system-wide levels. Ms. Acopan graduated cum laude with a Bachelor of Arts degree in history in 2017 and is continuing her studies in this field as a master's student. Your Committee finds that the Board of Regents as a whole must take a pragmatic, disciplined, and systematic approach to controlling costs instead of approving capital improvement projects, salaries, and other cost items on a piecemeal and ad hoc basis, especially in light of declining enrollment rates. Your Committee further finds that Ms. Acopan has a thorough understanding of the role and responsibilities of board members and her experience in student government and teaching and will continue to enhance the effectiveness of the Board of Regents of the University of Hawai'i. Your Committee therefore recommends that Ms. Acopan be reappointed to the Board of Regents of the University of Hawai'i based on her knowledge, background, and dedication to public service.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 3. Noes, none. Excused, 2 (Keith-Agaran, Fevella).

SCRep. 3808 (Majority) Ways and Means on Gov. Msg. No. 502

DIRECTOR OF FINANCE FOR THE DEPARTMENT OF BUDGET AND FINANCE

G.M. No. 502 CRAIG K. HIRAI, for a term to expire at noon on 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Craig K. Hirai for service as the Director of Finance.

Your Committee received testimony in support of the nomination for the appointment of Craig K. Hirai from the Governor; Department of Defense; Department of Agriculture; Department of Taxation; Department of Accounting and General Services; Department of Business, Economic Development, and Tourism; Department of Land and Natural Resources; Department of Budget and Finance; Department of Human Resources Development; Department of Hawaiian Home Lands; Department of Transportation; Department of Commerce and Consumer Affairs; Department of Labor and Industrial Relations; Hawaii Housing Finance and Development Corporation; Employees' Retirement System; Office of Planning; Office of Enterprise Technology Services; Hawaii Green Infrastructure Authority; Hawaii State Energy Office; Office of the Public Defender; Hawaii Technology Development Corporation; Hawaii Association of Public Accountants; SanHi Government Strategies; Aloha Stadium Authority; and nine individuals.

Your Committee received testimony in opposition of the nomination for the appointment of Craig K. Hirai from one individual.

Your Committee finds that Mr. Hirai currently serves as the Acting Director of Finance. He previously served for six years as the Executive Director of the Hawaii Housing Finance and Development Corporation, and has also served as Chair of the State Rental Housing Trust Fund Commission and Chair of the 2001-2003 State Tax Review Commission. Mr. Hirai has a Master of Science Degree in Accounting, a Master of Business Administration Degree, and a Master of Laws in Taxation Degree. Mr. Hirai is a certified public accountant with a permit to practice in the State of Hawaii and is an inactive member of the Hawaii State Bar Association. Mr. Hirai also has forty years of experience as a tax accountant and tax attorney in the State.

After reviewing the background, experience, and qualifications of Mr. Hirai, a motion was made by the Vice Chairperson of your Committee on Ways and Means to advise and consent to Mr. Hirai's nomination for appointment as the Director of Finance. Upon taking the vote, four members of your Committee voted for the motion to advise and consent and seven members voted against the motion. Therefore, the motion to advise and consent was not adopted. Nevertheless, the nomination will move to the Senate floor for a final vote pursuant to Senate Rule 37.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, lacks a majority of votes to recommend that the Senate advise and consent to the nomination and returns the nomination to the full Senate for consideration in accordance with Senate Rule 37(5), which states: "The final question on appointments made by the Governor which require the confirmation or consent of the Senate shall be: "Will the Senate confirm (or consent) to this appointment?""

Signed by the Chair on behalf of the Committee.

Ayes, 4. Noes, 7 (Dela Cruz, Kahele, Kidani, Moriwaki, Riviere, Shimabukuro, Fevella). Excused, 1 (Taniguchi).

SCRep. 3809 (Majority Ways and Means on Gov. Msg. No. 503

DIRECTOR, DEPARTMENT OF TAXATION

G.M. No. 503 Rona M. Suzuki, for a term to expire 12-05-2022

Your Committee reviewed the personal history, resume, and statement submitted by Rona M. Suzuki for service as Director of Taxation.

Your Committee received testimony in support of the nomination for the appointment of Rona M. Suzuki from the Department of Public Safety, Hawaii State Energy Office, and numerous individuals.

Your Committee received testimony in opposition to the nomination for the appointment of Rona M. Suzuki from the American Federation of State, County and Municipal Employees; and one individual.

Your Committee finds that Ms. Suzuki currently serves as the Interim Director of Taxation. She previously served as a senior executive assistant at the Department of Taxation. Ms. Suzuki has also served as executive director of the Office of Community Services, an agency administratively attached to the Department of Labor and Industrial Relations that administers grants for programs that assist low-income individuals and families, refugees, and immigrants in the State. Additionally, Ms. Suzuki has more than a decade of private sector experience in the technology industry. Ms. Suzuki obtained her Bachelor of Arts Degree in economics and government from Claremont McKenna College, and she earned a Master of Business Administration Degree from the University of Hawaii at Manoa.

Your Committee finds that the Department of Taxation is tasked with administering and enforcing the tax laws of the State. Your Committee notes that certain testifiers raised concerns regarding Ms. Suzuki's very limited knowledge of and experience with the State's tax laws.

After reviewing the background, experience, and qualifications of Ms. Suzuki, a motion was made by the Vice Chairperson of your Committee on Ways and Means to advise and consent to Ms. Suzuki's nomination for appointment as the Director of Taxation. Upon taking the vote, five members of your Committee voted for the motion to advise and consent, one member voted for the motion with reservations, and six members voted against the motion. Therefore, the motion to advise and consent was not adopted. Nevertheless, the nomination will move to the Senate floor for a final vote pursuant to Senate Rule 37.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, lacks a majority of votes to recommend that the Senate advise and consent to the nomination and returns the nomination to the full Senate for consideration in accordance with Senate Rule 37(5), which states: "The final question on appointments made by the Governor which require the confirmation or consent of the Senate shall be: "Will the Senate confirm (or consent) to this appointment?""

Signed by the Chair on behalf of the Committee.

Ayes, 6; Ayes with Reservations (Taniguchi). Noes, 6 (Dela Cruz, Kahele, Kidani, Moriwaki, Riviere, Fevella). Excused, none.

SCRep. 3810 Water and Land on S.C.R. No. 25

The purpose and intent of this measure is to approve the sale of the lease fee interest in 95-033 Kuahelani Avenue, No. 133, Mililani, Hawaii, Tax Map Key No. 1-9-4-5-34-32, pursuant to section 171-64.7, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Hawaii Housing Finance and Development Corporation; and one individual.

Your Committee finds that section 171-64.1, Hawaii Revised Statutes, requires the prior approval of the Legislature by concurrent resolution to sell or gift certain state lands in fee simple, and specifies information that must be included in the resolution and other prerequisites to the sale. Your Committee further finds that the sale of the leased fee interest in 95-033 Kuahelani Avenue, No. 133,

Mililani, Hawaii, falls under section 171-64.7, Hawaii Revised Statutes, and that the Hawaii Housing Finance and Development Corporation has met all statutory prerequisites to request approval of the sale of the property.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 25, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 25, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3811 Water and Land on S.C.R. No. 26

The purpose and intent of this measure is to approve the sale of the leased fee interest in 94-942 Meheula Parkway, No. 244, Mililani, Hawaii, Tax Map Key No. 1-9-4-5-34-111, pursuant to section 171-64.7, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Hawaii Housing Financing and Development Corporation; and one individual.

Your Committee finds that section 171-64.7, Hawaii Revised Statutes, requires the prior approval of the Legislature by concurrent resolution to sell or gift certain state lands in fee simple, and specifies information that must be included in the resolution and other prerequisites to the sale. Your Committee further finds that the sale of the leased fee interest in 94-942 Meheula Parkway, No. 244, Mililani, Hawaii, falls under section 171-64.7, Hawaii Revised Statutes, and that the Hawaii Housing Finance and Development Corporation has met all statutory prerequisites to request approval of the sale of the property.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 26, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 26, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3812 Water and Land on S.C.R. No. 29

The purpose and intent of this measure is to authorize the issuance of a term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (1) 4-6-001:seaward of 015, Kaneohe, Koolaulupoko, Oahu for the existing pier, and for use, repair, and maintenance of the existing improvements constructed thereon pursuant to section 171-53, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and University of Hawai'i System.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee further finds that on August 25, 2017, under agenda item D-5, the Board of Land and Natural Resources approved a grant of a fifty-five-year non-exclusive easement to resolve the encroachment of the existing pier identified in this measure. Your Committee concludes that the easement is necessary for the maintenance and repair of the existing pier and for the use, repair, and maintenance of the existing improvements thereon.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 29, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 29, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3813 Water and Land on S.C.R. No. 30

The purpose and intent of this measure is to authorize the issuance of a perpetual, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (1) 3-9-027:seaward of 007, Maunaloa, Honolulu, Oahu, for the existing storm drain and for use, repair, and maintenance of the existing improvements constructed thereon pursuant to section 171-53, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee further finds that on March 23, 2007, under agenda item D-5, the Board of Land and Natural Resources approved a grant of a perpetual, non-exclusive easement to resolve the encroachment of the existing storm drain identified in this measure. Your Committee concludes that the easement is necessary for the maintenance and repair of the existing storm drain and for the use, repair, and maintenance of the existing improvements thereon.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 30 and recommends its adoption.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3814 Water and Land on S.C.R. No. 31

The purpose and intent of this measure is to authorize the issuance of a perpetual, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (1) 4-4-021:seaward of 038, Kaneohe, Koolaupoko, Oahu, for the existing storm drain and for use, repair, and maintenance of the existing improvements constructed thereon pursuant to section 171-53, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee further finds that on August 23, 2013, under agenda item D-10, the Board of Land and Natural Resources approved a grant of a perpetual, non-exclusive easement to resolve the encroachment of the existing storm drain identified in this measure. Your Committee concludes that the easement is necessary for the maintenance and repair of the existing storm drain and for the use, repair, and maintenance of the existing improvements thereon.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 31 and recommends its adoption.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3815 Water and Land on S.C.R. No. 33

The purpose and intent of this measure is to authorize the issuance of a term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (2) 3-9-011:seaward of 008, Waiohuli-Keokea, Wailuku, Maui, for the existing seawall and for use, repair, and maintenance of the existing improvements constructed thereon pursuant to section 171-53, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee further finds that on August 25, 2017, under agenda item D-9 as amended, and October 12, 2018, under agenda item D-5, the Board of Land and Natural Resources approved a grant of a sixty-five year, non-exclusive easement to resolve the encroachment of the existing seawall identified in this measure. Your Committee notes that the grantee will be required to pay the State the fair market value of the easement. Your Committee concludes that the easement is necessary for the maintenance and repair of the existing seawall and for the use, repair, and maintenance of the existing improvements thereon.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 33 and recommends its adoption.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3816 Water and Land on S.C.R. No. 34

The purpose and intent of this measure is to authorize issuance of a term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (2) 3-9-012:seaward of 003, Waiohuli-Keokea Homesteads, Kihei, Maui, for the existing seawall, rock revetment, and concrete steps and for use, repair, and maintenance of the existing improvements constructed thereon pursuant to section 171 53, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee further finds that on April 26, 2019, under agenda item D-6, the Board of Land and Natural Resources approved amending the June 9, 2017 authorization to grant a fifty-five year, non-exclusive easement to resolve the seawall and rock revetment encroachment, by adding a portion of the concrete steps as an additional encroachment in order to resolve the encroachments of the existing seawall, rock revetment, and concrete steps identified in this measure. Your Committee notes that the grantee will be required to pay the State the fair market value of the easement. Your Committee concludes that the easement is necessary for the maintenance and repair of the existing seawall, rock revetment, and concrete steps and for the use, repair, and maintenance of the existing improvements thereon.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 34 and recommends its adoption.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3817 Water and Land on S.C.R. No. 35

The purpose and intent of this measure is to authorize the issuance of a term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (2) 3-9-010:seaward of 006, Waiohuli-Keokea Homestead and Beach Lots, Kihei, Maui, for the existing seawall and rock revetment and for use, repair, and maintenance of the existing improvements constructed thereon pursuant to section 171-53, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee further finds that on July 11, 2014, under agenda item D-3, the Board of Land and Natural Resources approved a grant of a fifty-five year, non-exclusive easement to resolve the encroachment of the existing seawall and rock revetment identified in this measure. Your Committee notes that the grantee has paid the fair market value of the easement. Your Committee concludes that the easement is necessary for the maintenance and repair of the existing seawall and rock revetment and for the use, repair, and maintenance of the existing improvements thereon.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 35 and recommends its adoption.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3818 Water and Land on S.C.R. No. 141

The purpose and intent of this measure is to authorize the Board of Land and Natural Resources to authorize the issuance of a term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (2) 3-9-005: seaward of 001, Kamaole Beach lots, Kamaole, Kula, Maui, for the use, maintenance, repair, replacement, and removal of the existing rock revetment and two concrete stairways pursuant to section 171-53, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease submerged lands with prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee further finds that on March 10, 2011, under agenda item D-4, the Board of Land and Natural Resources approved the issuance of a fifty-five-year term, non-exclusive easement to resolve the encroachments of the existing rock revetment, rock wall, and two concrete stairways identified in this measure. Your Committee notes that the grantee has paid the State the fair market value of the easement. Your Committee concludes that the easement is necessary for the use, maintenance, repair, replacement and removal of the existing rock revetment and concrete stairways.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 141 and recommends its adoption.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3819 Water and Land on S.C.R. No. 32

The purpose and intent of this measure is to authorize the issuance of a term, non-exclusive easement covering a portion of state submerged lands fronting the property identified as Tax Map Key: (2) 4-3-002:seaward of 026, 027, and 028, Napili 2 and 3, Lahaina, Maui, for the existing walkway and for use, repair, and maintenance of the existing improvements constructed thereon pursuant to section 171-53, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

Your Committee finds that, pursuant to section 171-53, Hawaii Revised Statutes, the Board of Land and Natural Resources may lease submerged lands with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution. Your Committee further finds that on June 28, 2019, under agenda item D-7, the Board of Land and Natural Resources approved the issuance of a separate term, non-exclusive easement to run with the land and inure to the benefit of the abutting real property and to be coterminous with GL5998 to resolve the encroachment of the existing walkway identified in this measure. Your Committee concludes that the easement is necessary for the maintenance and repair of the existing walkway and for the use, repair, and maintenance of the existing improvements thereon.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 32 and recommends its adoption.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3820 Water and Land on S.C.R. No. 24

The purpose and intent of this measure is to approve the sale of the leased fee interest in a single-family home located at 41-613 Inoaole Street, Waimanalo, Hawaii.

Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Hawaii Housing Finance and Development Corporation; and one individual.

Your Committee finds that section 171-64.7, Hawaii Revised Statutes, requires the prior approval of the Legislature by concurrent resolution to sell certain state lands in fee simple, and specifies information that must be included in the resolution and other

prerequisites to the sale. Your Committee further finds that the sale of the leased fee interest in 41-613 Inoaole Street, Waimanalo, Hawaii, falls under section 171-64.7, Hawaii Revised Statutes, and that the Hawaii Housing Finance and Development Corporation has met all statutory prerequisites to request approval of the sale of the property.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 24, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 24, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Keith-Agaran).

SCRep. 3821 Water and Land on S.R. No. 190

The purpose and intent of this measure is to urge the Board of Land and Natural Resources (BLNR) 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.

Your Committee received testimony in support of this measure from the Hawaiian Electric Company. Your Committee received comments on this measure from the Department of Land and Natural Resources and Department of Hawaiian Home Lands.

Your Committee finds that although the Department of Land and Natural Resources' Revocable Permit Task Force recommended the conversion of revocable permits to water leases by the end of 2019, no conversion has been made at this time. Your Committee further finds that the BLNR has had a difficult time disposing of a long-term water lease to the Hawaiian Electric Company because there remain unresolved questions on some of the requirements for issuance of a long-term water lease. This measure will expedite a solution to that problem.

Accordingly, your Committee has amended this measure by:

- (1) Amending the title to reflect amendments to this measure;
- (2) Removing clauses describing the Federal Energy Regulatory Commission and its rates;
- (3) Removing language that specifically directs BLNR to negotiate with the Hawaiian Electric Company and to provide guidance on determining the value of the annual water lease rent based on the Federal Energy Regulatory Commission rates; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 190, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 190, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3822 (Joint) Energy, Economic Development, and Tourism and Ways and Means on S.R. No. 78

The purpose and intent of this measure is to request the Department of Transportation to conduct a study on the feasibility of a public-private partnership to design, build, and operate an underwater tunnel to provide a more direct connection for vehicle traffic between Ewa and Downtown Honolulu.

Prior to the hearing on this measure, your Committees posted and made available for public review a proposed S.D. 1, which deletes the contents of the measure and inserts language that:

- (1) Requests the Department of Business, Economic Development, and Tourism to work in conjunction with the Legislature to create sixty thousand permanent jobs in the State by 2022; and
- (2) Urges the Department of Business, Economic Development, and Tourism to submit to the Legislature a report of its recommendations, including any proposed legislation, no later than twenty days prior to the convening of the Regular Session of 2021.

Your Committees received testimony in support of the proposed S.D. 1 from the Department of Business, Economic Development, and Tourism and one individual.

Your Committees find that the coronavirus disease 2019 (COVID-19) pandemic has created an unprecedented public health and economic crisis throughout the world. In order to mitigate the spread of COVID-19, the Governor issued a stay-at-home order that was in place from March 25, 2020, through May 5, 2020. Your Committees note that while this stay-at-home order was necessary in order to prevent a mass outbreak of COVID-19 in the State, the stay-at-home order had a detrimental effect on many sectors of the State's economy. Your Committees further find that Hawaii's unemployment rate is at an all-time high at 22.3 percent and many residents are expected to leave Hawaii by 2022 for better economic prospects. Your Committees believe that the creation of more jobs in the State is necessary to revitalize the State's economy, keep residents in the State, and address the high unemployment rate.

Your Committees have amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Increasing the number of permanent jobs that are to be created in the State from sixty thousand to one hundred thousand;
- (2) Amending its title in accordance with its amended purpose; and

- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy, Economic Development, and Tourism and Ways and Means that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 78, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 78, S.D. 1.

Signed by the Chairs on behalf of the Committees.

Energy, Economic Development, and Tourism: Ayes, 4. Noes, none. Excused, 1 (Taniguchi).

Ways and Means: Ayes, 11. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3823 Ways and Means on S.R. No. 83

The purpose and intent of this measure is to request the state Department of Transportation to work in conjunction with the City and County of Honolulu to develop a strategy to implement a back tax waiver program in the City and County of Honolulu.

Prior to your Committee's hearing on this measure, your Committee circulated S.R. No. 83, S.D. 1 PROPOSED ("Proposed Draft"), the purpose of which is to request that the Department of Human Resources Development 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.

Your Committee received testimony in support of the Proposed Draft from Transform Hawaii Government.

Your Committee received comments on the Proposed Draft from the Department of Human Resources Development.

Your Committee finds that the COVID-19 pandemic exposed the need for the state government to adjust its operations and shift employees in order to provide vital services to the public more responsively and effectively. Your Committee believes that an exchange of ideas and information between the State and its employees is the best way for the State to identify measures to improve government operations in order to serve the new needs of the public.

Your Committee has amended this measure by adopting the Proposed Draft.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 83, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 83, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 11. Noes, none. Excused, 1 (Taniguchi).

SCRep. 3824 Hawaiian Affairs on S.R. No. 129

The purpose and intent of this measure is to urge 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.

Your Committee received testimony in support of this measure from the Democratic Party of Hawai'i, Hawaiian Affairs Caucus; Hawai'i Appleseed Center for Law & Economic Justice; and two individuals. Your Committee received comments on this measure from the Department of Hawaiian Home Lands.

Your Committee finds that the Hawaiian Homes Commission Act was passed to dedicate land and provide native Hawaiians the stability, financial equity, and economic self-sufficiency that comes from land and home ownership. Your Committee also finds that the 2019 study conducted for the Hawaii Housing Development corporation did not specifically include the housing needs of Hawaiian homes beneficiaries. This measure urges the Department of Hawaiian Home Lands to address and fulfill the purpose of the Hawaiian Homes Commission Act by providing data and analysis of the number of beneficiaries that have applied for and need housing.

Your Committee has amended this measure by:

- (1) Clarifying that approximately ten thousand homesteads have been resettled rather than one hundred thousand;
- (2) Specifying that SMS Research & Marketing Services completed the 2019 Hawaii Housing Planning Study, which found that of the native Hawaiian households surveyed, eleven percent were living on Hawaiian homestead land (12,755 households) in 2019, similar to 2016;
- (3) Specifying that among native Hawaiian households, twenty percent had at least one member on the waitlist to receive a Department of Hawaiian Home Lands award (23,883 households) on which they intended to reside and of those households, only about three-quarters (seventy-three percent) were sure that they intend to have a house on that land;
- (4) Specifying that an additional 21,399 native Hawaiian households stated that they have a household member eligible to apply for a Hawaiian home lands lease but were not yet a leaseholder nor an applicant; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 129, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 129, S.D. 1.

Signed by the Chair on behalf of the Committee.

Ayes, 5. Noes, none. Excused, none.

SCRep. 3825 Hawaiian Affairs on S.R. No. 130

The purpose and intent of this measure is to urge the Department of Hawaiian Home Lands to improve access to Hawaiian home lands and other trust assets to its native Hawaiian beneficiaries.

Your Committee received testimony in support of this measure from two individuals. Your Committee received comments on this measure from the Department of Hawaiian Home Lands.

Your Committee finds that the purpose of the Hawaiian Home Commission Act was, and is, to restore the cultural link between native Hawaiians and the land and to provide native Hawaiians the stability, financial equity, and economic self-sufficiency that comes from land and home ownership. Your Committee further finds that few homesteads have been resettled and many beneficiaries remain on the waitlist. This measure urges the Hawaiian Home Commission to take certain actions so that housing and information are better provided to native Hawaiian beneficiaries.

Your Committee has amended this measure by:

- (1) Clarifying that fewer than ten thousand homesteads have been resettled rather than one hundred thousand;
- (2) Specifying that SMS Research & Marketing Services completed the 2019 Hawaii Housing Planning Study, which found that of the native Hawaiian households surveyed, eleven percent were living on Hawaiian homestead land (12,755 households) in 2019, similar to 2016;
- (3) Specifying that among native Hawaiian households, twenty percent had at least one member on the waitlist to receive a Department of Hawaiian Home Lands award (23,883 households) on which they intended to reside and of those households, only about three-quarters (seventy-three percent) were sure that they intend to have a house on that land;
- (4) Specifying that an additional 21,399 native Hawaiian households stated that they have a household member eligible to apply for a Hawaiian home lands lease but were not yet a leaseholder nor an applicant;
- (5) Making conforming amendments to the title; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 130, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 130, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 5. Noes, none. Excused, none.

SCRep. 3826 Transportation on S.R. No. 125

The purpose and intent of this measure is to request the Department of Transportation and respective counties to work together to study the effectiveness of current crosswalk locations and the need for new crosswalks.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which deletes the contents of the measure and inserts language to:

- (1) Request the Department of Transportation and each county to provide a combined total of at least \$10,000,000 in funding directly to a water carrier for the purposes of providing financial assistance to support different routes and lines of services within the State, in order to address the impacts of the COVID-19 pandemic and to offset costs incurred by any water carrier as a result of providing water carrier service to ports within the State; and
- (2) Create a working group that will examine and recommend mid-term and long-term solutions to balance the need for continuous water carrier service throughout the State with the need for water carriers to maintain financial sustainability.

Your Committee received testimony in support of the proposed S.D. 1 from the Public Utilities Commission; one member of the Hawai'i County Council; one member of the Maui County Council; one member of the Kauai County Council; Honolulu City Council; Young Brothers, LLC; KTA Super Stores; ILWU Local 142; Hawai'i Farm Bureau; Hawaii Food Industry Association; Hawai'i Island Chamber of Commerce; Moloka'i Chamber of Commerce; Japanese Chamber of Commerce & Industry of Hawai'i; Hawaii Cattlemen's Council, Inc; Kualapuu Market, Ltd.; Kapapala Ranch; Creative Arts Hawaii, LLC; Aloha Grown, LLC; and seven individuals. Your Committee received comments on this measure from the Department of Transportation, Department of Commerce and Consumer Affairs, and one member of the Hawai'i County Council.

Your Committee finds that Young Brothers, LLC is the only interisland water carrier exclusively of property that services the ports of Hilo, Kaunapau, and Kaunakakai and the only interisland water carrier exclusively of property that currently provides less than container load/mixed lines of services to certain customers throughout communities across the State. Your Committee also finds that these routes and lines of services operate at losses to Young Brothers, LLC and that the COVID-19 pandemic has exacerbated these losses. Your Committee further finds that losses in volume are expected to continue due to the economic effects of the ongoing COVID-19 pandemic, and government financial assistance will be required to ensure that all lines of services are maintained at pre-COVID-19 service levels.

In addition, your Committee finds that a working group is necessary to investigate and develop recommendations to balance the need for continuous, reliable, and affordable interisland water carrier service to transport goods throughout the State with the water carrier's need for financial sustainability. Your Committee has concerns with recent proposals that would make interisland shipping for certain customers more expensive and that the viability of the water carrier's services on a long-term basis is uncertain. Your Committee therefore finds that convening a working group composed of interested stakeholders to identify mid-term and long-term solutions is a prudent step.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending it by:

- (1) Amending its title in accordance with its amended purpose;
- (2) Adding the chairs of the legislative standing committees on transportation; one representative from the Department of Business, Economic Development, and Tourism; and one representative from the International Longshore and Warehouse Union Local 142 to the working group;
- (3) Increasing the total potential funding to a water carrier from \$10,000,000 to \$15,000,000; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 125, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 125, S.D. 1.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, none. Excused, none.

SCRep. 3827 Labor, Culture and the Arts on Gov. Msg. No. 751

Recommending that the Senate not advise and consent to the nomination of the following:

LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD

G.M. No. 751 DAMIEN ELEFANTE, for a term to expire 06-30-2030

Your Committee has reviewed the personal history, resume, and statement submitted by Damien Elefante for service as Chairperson of the Labor and Industrial Relations Appeals Board.

Your Committee received testimony in support of the consideration and confirmation of Damien Elefante from the Department of Labor and Industrial Relations; Department of Agriculture; Department of Hawaiian Home Lands; Department of Taxation; Department of Defense; Department of Accounting and General Services; Hawaii State Energy Office; Office of Enterprise Technology Services; Department of Transportation, Harbors Division; Matson; and nine individuals. Your Committee received testimony in opposition of the consideration and confirmation of Damien Elefante from the Hawaii Government Employees Association; State of Hawaii Organization of Police Officers; Hawaii State Teachers Association; United Public Workers, Local 646, AFSCME, AFL-CIO; International Longshore & Warehouse Union, Local 142; International Alliance of Theatrical Stage Employees, Local 665; International Union of Elevator Constructors, Local 126; Pride at Work – Hawaii; and one individual.

Your Committee finds that Mr. Elefante's experience as an arbitrator, compliance coordinator, and deputy attorney general illustrate his expertise, commitment, and dedication to public service and demonstrates his capacity to serve at the most senior leadership level. Your Committee notes that Mr. Elefante has been an attorney since 1999. His extensive education and experience as an attorney in private practice presents a grounded and unique understanding of the law.

Mr. Elefante is currently an employer trustee, with the Hawaii Employer-Union Health Benefits Trust Fund. As trustee, Mr. Elefante serves in a fiduciary capacity making the trust property productive and authorizing policies and administrative procedures. Additionally, your Committee finds that he is concurrently serving as the deputy director of the Department of Taxation. His knowledge and experience in administration and management is evident in his representation of the State's interest.

Your Committee finds that a position on the Labor and Industrial Relations Appeals Board fulfills a critical function in adjudicating workers' compensation appeals. Decisions made by the Board have major ramifications and a distinct financial bearing on workers and employers. Pursuant to section 371-4, Hawaii Revised Statutes, cumulative experience and continuity are essential to appropriately handling appeals subject to workers' compensation and other labor laws.

Your Committee has reviewed the background, information, and testimony submitted and finds that Mr. Elefante is skilled as an attorney, deputy director, trustee, and arbitrator. He is a dedicated public servant who brings valuable experience and integrity to the State and community especially in the area of taxation. Mr. Elefante's personal and professional achievements and experience are impressive. Your Committee intends no disrespect to the nominee; however, your Committee has serious concerns about whether Mr. Elefante is the best nominee to fulfill the responsibilities and duties as the chairperson of the Labor and Industrial Relations Appeals Board.

Your Committee finds that throughout the State of Hawaii, there were 21,388 reported work injury cases in 2018, according to the 2018 Annual Report of the Department of Labor and Industrial Relations. These cases had an aggregate value of \$358 million. Your Committee contends that the voluminous caseload requires prior extensive knowledge in workers' compensation law to properly determine the outcomes of the appeals presented. On-the-job-training would not be appropriate and a conspicuous lack of experience in the relevant subject matter for the chairperson who undertakes this demanding position could unduly burden the existing members.

The Labor and Industrial Relations Appeals Board is a quasi-judicial agency. Your Committee notes that historically members on the board have substantial experience to properly and expeditiously determine fair and just outcomes. Current members began their appointment highly competent and extensively experienced in labor law with specialization in workers' compensation. Your Committee also observes that of the two Board members currently serving, one previously represented employers and insurance carriers and the other was the Director of the Department of Human Resources Development. Your Committee notes that traditionally the Labor and Industrial Relations Appeals Board has had balanced representation from management, government, and labor, and has generally had one representative from each of these sectors to secure the required balance needed to process claims and decide appeals. Your Committee submits that in accordance with historic Board practice, the third board member should be a representative of labor and injured workers.

Respectfully, your Committee submits that Mr. Elefante does not have a substantive background or experience in labor, labor rights, workers' compensation, boiler and elevator safety, occupational health and safety, or wages and benefits law and cases. Your Committee also understands that familiarity and experience with the challenges of the complex areas of law and workers' rights and benefits are needed of all members of the Labor and Industrial Relations Appeals Board. Your Committee recommends that a more qualified and experienced nominee is necessary, specifically for the position of chairperson, due to the complexity of the interrelated areas of law and medicine. Conclusively, Mr. Elefante lacks the necessary skill set required.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, recommends that the Senate not advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.

Ayes, 5; Ayes with Reservations (Ihara). Noes, none. Excused, none.

SCRep. 3828 (Majority) Water and Land on Gov. Msg. No. 583

Recommending that the Senate not advise and consent to the nomination of the following:

BOARD OF LAND AND NATURAL RESOURCES

G.M. No. 583 CHRISTOPHER YUEN, for a term to expire 06-30-2022

Your Committee reviewed the personal history, resume, and statement submitted by Christopher Yuen for service on the Board of Land and Natural Resources.

INTRODUCTION

The advice and consent process is a constitutionally mandated responsibility. Your Committee undertook its responsibility seriously, especially as this process involves the confirming of an individual who will be appointed as the steward of the State's natural resources and responsible for ensuring that these resources will be preserved and sustained in perpetuity for the benefit of future generations.

Your Committee was aware that this nomination was attracting public attention and passionate testimony for both sides.

Your Committee notes that there were two committee hearings held for the nominee. The first hearing on May 13, 2020, included thirty-five nominees being considered for the many various boards and commissions subject to the jurisdiction of the Water and Land Committee. Due to the high number of nominees under consideration at that hearing, the Committee did not have the appropriate amount of time to ask the nominee questions nor did the nominee have the appropriate amount of time to answer the Committee's questions. Your Committee then held a second hearing on July 1, 2020, to give the nominee a full two hours to answer questions from the Committee. The Committee Chair does appreciate the nominee's willingness to do that.

TESTIMONY

Your Committee received testimony in support of the nominee from the Department of Land and Natural Resources, Aha Moku Advisory Committee, two members of the Hawai'i County Council, University of Hawai'i at Hilo, Hawai'i Farm Bureau, Hawaii Island Community Development Corporation, PonoHolo Ranch Limited, Armstrong Produce, Conservation Council for Hawai'i, The Nature Conservancy, Hawaii Island Chamber of Commerce, and thirty-three individuals.

Your Committee received testimony in opposition to the nominee from Sierra Club of Hawai'i, KAHEA: The Hawaiian-Environment Alliance, Ka Lāhui Hawai'i, and one thousand seventy-four individuals.

Your Committee received comments from the Office of Hawaiian Affairs.

THE RESPONSIBILITY OF THE BOARD OF LAND AND NATURAL RESOURCES

The responsibilities of the Department of Land and Natural Resources (DLNR) and its board, the Board of Land and Natural Resources (BLNR), play an essential role in the self-sufficiency, long-term resiliency, and environmental and cultural integrity of the State of Hawaii. This includes the stewardship and management of natural and cultural resources of unparalleled significance to the people of Hawaii. It also includes the disposition, including leasing, licensing, and permitting of public lands. The BLNR, more than any other board or commission, has public trust responsibilities, drawn down directly from the State Constitution, to conserve and protect Hawaii's natural and cultural resources for the benefit of the people, including the traditional and customary practices of Native Hawaiians. The BLNR's responsibilities are vast. It has jurisdiction over approximately 1.3 million acres of public, "ceded", and public land trust lands; seven hundred and fifty miles of coastline; thousands of historic sites, including burial sites, and approximately two million acres of private and public lands that lie within the state land use conservation district.

As a trustee of the "ceded" lands and the public land trust, the BLNR also has a fiduciary obligation with respect to the use and disposition of such lands. This is no small task. BLNR's decisions touch almost every aspect of Hawaii's economy, and while there is no doubt that corporate needs and economic benefits should be considered in board decisions, the board's obligations under the State Constitution and the mission of the DLNR to "enhance, protect, conserve and manage Hawaii's unique and limited natural, cultural and historic resources" must also be a top priority. This is why it is imperative that board members, who are sworn to uphold the public trust, not only possess the requisite knowledge and experience, but an exemplary level of integrity and commitment to the public trust obligations in fulfilling their board duties.

BACKGROUND

Christopher J. Yuen received a Juris Doctor degree from the William S. Richardson School of Law; a Master of Science degree in Environmental Science from the State University of New York, College of Environmental Science & Forestry; and a Bachelor of Arts degree in Human Biology from Stanford University. He is the owner and manager of The Family Farm, Inc., a twenty-acre certified

organic farm, supplying local markets with bananas, lychees, and rambutans. He was the Planning Director of Hawai'i County and a Deputy Corporation Counsel for the County of Hawai'i. Mr. Yuen also served on the BLNR from 1990 to 1998 and 2014 to the present. He is also presently on the Advisory Councils for Laupahoehoe Experimental Tropical Forest and Pu'uwa'awa'a Experimental Tropical Forest.

The nominee's resume indicates that during his time on the BLNR in the 1990s, he spearheaded the negotiations in the Awake'e-Manini'owali land exchange; revision of conservation district rules; review of more than four hundred Conservation District Use Permits; and approval of a master plan for Kekaha Kai State Park. In addition, in 1988, the nominee organized the Friends of Makalawena to preserve the coastline in Kona, which culminated in the Kekaha Kai State Park, a 4.5 mile long, one-thousand three hundred acre coastal park. In 1971, the nominee organized a campaign to protect the Keaukaha shoreline, which led to the County of Hawaii's purchase of Richardson's and Carlsmith's properties for open space public beach parks.

In his personal statement, the nominee stated, "In this latest period after being reappointed to the BLNR, starting in July 2014, I've tried to support the community initiatives that come before us: the community-based fisheries management areas at Kaupulehu and Haena, and land purchases, like Mapulehu on Moloka'i, Waikapuna on the Big Island, and the Kulima and Helemano areas on Oahu."

In his questionnaire, when asked "How do you perceive the role and responsibilities of a member of the BLNR?", Mr. Yuen responded, in part, that "There is, however, a line between the Board member's proper role and the operational management of the Department-including personnel decisions-that has properly been delegated to the Chairperson and the other DLNR staff. The line is not exact, but it is there, and I respect it. The Board members were appointed to make decisions as a group, not wield power as individuals." In addition, in his questionnaire, when asked "What do you hope to accomplish during your terms of service?", Mr. Yuen responded, in part, that:

After my years of service, I would like to look back and be able to say that the Board...made fair, balanced decisions consistent with law [and]...expanded protected areas of all types-forest, ocean, historic sites...

Also in his questionnaire when asked, "When exercising control over the state's land and natural resources, what consideration, if any, is given to the state's duty to also protect traditional and customary Native Hawaiian rights and practices?", Mr. Yuen responded, in part, that "[p]rotecting traditional and customary Native Hawaiian rights and practices is a constitutional mandate and a crucial part of decision-making at the Board."

YOUR COMMITTEE'S CONCERNS

While Mr. Yuen may have been an excellent and promising candidate when first appointed to the BLNR in 1990 and then again in 1995, and 2014, your Committee finds that extending his fourteen year-long tenure on the BLNR would inhibit efforts to promote the kind of open-mindedness, accountability, and innovative thinking ideal in the public servant who assumes the profound responsibility that comes with the position. Specifically, your Committee is concerned about a number of issues that came to light during the nominee's written and oral testimony, including the answers he provided in response to the Committee's hearing questions. There was overwhelming testimonial evidence that the nominee has failed to employ his full authority as a BLNR member to protect the public's interest in our State's public trust resources. The nominee's candid responses during the two Water and Land Committee hearings made plain that the vital authority of the BLNR to gather information, impose mitigation measures, monitor compliance, and enforce against violations has been roundly underutilized to the detriment of the State's natural resources. Additionally, after reviewing a small sampling of the BLNR's published meeting minutes, questions began to surface as to their accuracy and integrity, and the extent to which Mr. Yuen's personal bias interfered with the objective recording of the BLNR's decisions. This issue is of particular concern for the Committee because those actions undermine the public's trust and confidence in the BLNR's actions.

As is the case with all BLNR members, the nominee is a trustee of all public trust natural and cultural resources in Hawaii. He is obligated to make decisions that protect those public trust resources for the benefit of Native Hawaiians and all the people of Hawaii. The BLNR has authority to protect the public and public trust resources through its decisions and has the following tools to mitigate adverse impacts:

- (1) Denying a permit, lease, or application;
- (2) Delaying approval of a permit, lease, or application until additional information is provided;
- (3) Adding conditions that require actions by the applicant to reduce and/or remedy harm to natural and cultural resources and the public trust beneficiaries that rely upon them;
- (4) Requiring additional information, assessment, and studies; and
- (5) Requiring meaningful, fair-market value compensation for use of public trust resources.

A. Evaluation of Recent Decisions

A review of the nominee's decisions over his latest term on the BLNR demonstrates he has failed to employ his full authority as a BLNR member to protect Hawaii's public trust resources.

I. Kahala Hotel

In recent years, Kahala Hotel (formerly Kahala Hilton Hotel) used the public beach for commercial activities. On the public beach, the hotel has rented out cabanas for more than \$100 per day, charged high rates for expensive weddings, operated a portion of its restaurant, and rented out clamshell loungers. The hotel's commercial use of public land, to the exclusion of the public, was not limited to the sandy beach. The grassy area mauka of the sand is also a part of the public beach and public land trust lands. This grassy area was also used by the hotel through its revocable permit.

Even though the nominee was aware that the Kahala Hotel profited off of impermissible weddings, operation of a restaurant, and cabana and clamshell rentals on the public beach in 2016, 2017, and 2018, he did not ensure that the hotel pay for those illegal past

uses before voting to approve the hotel's future revocable permits. In 2018, instead of enforcing a dedication of an area for public use, the nominee supported the hotel's continued use of that area for the operation of a restaurant, the rental of cabanas, and the rental of clamshell chairs. In 2019, instead of requiring the hotel to meaningfully compensate the State for its past inappropriate use, the nominee moved to charge the hotel a meager \$702 for use of clamshell chairs on public property over a nine-day period.

II. Kalo'i Gulch

For over a decade, developer Haseko, Inc. has proposed drainage improvements for Kalo'i Gulch to allow stormwater from large rain events to flow directly into the ocean. Their proposed improvements involved lowering a natural berm along the 'Ewa Beach shoreline to increase the stormwater discharge capacity of a drainage channel through One'ula Beach Park, a place storied across Hawaii as the "House of Limu." In December 2018, the BLNR voted 6-1 to deny an easement and construction right-of-entry permit for the drainage project. This was the first opportunity for the nominee to publicly and substantively weigh in on this controversial project.

During the confirmation hearing, the nominee commented, consistent with his vote at the December 2018 BLNR meeting, that if there were no flood, Haseko's lowering of the berm would not change anything. The nominee's statement, however, ignores the fact that once the berm is lowered, all stormwater discharge, including motor oil, heavy metals, and other toxic compounds, would be free to flow directly into the ocean to pollute marine resources, including limu harvested for consumption.

During the Committee's questioning, when the nominee was asked to explain the precautionary principle¹, a well-settled legal principle that discourages the postponement of effective resource protection measures in the absence of full scientific certainty, the nominee affirmed his understanding of this in answering, "When there is a substantial unknown factor that you err on the side of both protecting the environment and on the side of protecting human health." Despite demonstrating a clear understanding of his legal duties, the nominee's decision on this matter did not comport with that duty.

The nominee failed to uphold his legal obligation as a trustee in his subjective decision to expose (rather than protect) resources and those reliant on them to harm. When given the opportunity to require a supplemental environmental impact statement to consider, for the first time, the adverse health impacts on Hawaiian limu gathering and consumption, the nominee voted against requiring the applicant to produce affirmative evidence (as the law requires) that no harm would befall those who harvest limu to subsist and perpetuate traditional cultural practices. In doing so, the nominee abandoned the protective benefits of the precautionary principle in favor of approving and expediting the applicant's easement and construction right-of-entry permit.

III. Revocable Permit Task Force

The Revocable Permit Task Force (Task Force) was formed in 2016 after a series of news articles and significant public concern over the lack of transparency and accountability in the issuance of revocable permits (RPs) for tens of thousands of acres of land under the jurisdiction of the DLNR. The Task Force presented its recommendations to the BLNR to provide consistency and accountability in the RPs program, acknowledging that RPs are generally not the ideal method of land disposition, and outlining a checklist of specific criteria for their issuance and renewal.

The nominee was appointed by the DLNR Chair to the Task Force and BLNR approved the checklist it recommended. Despite this effort, the nominee and the rest of the board repeatedly failed to ensure that the requirements on the checklists were met before approving RPs. Even when applicants refused to meet with DLNR staff to discuss the appropriateness of their RPs or when applicants did not ensure compliance with conservation district rules, the nominee moved and voted to approve those RPs over multiple years.

IV. Stream Diversion/East Maui Watershed

In the context of stream diversions, BLNR's responsibility to the public trust is met when private requests to divert stream water for consumptive use are considered only after public trust purposes, such as the needs of the native stream ecosystem, protected cultural practices such as taro farming, reservations of the Department of Hawaiian Home Lands, and domestic uses, are determined and satisfied². A presumption must be made in favor of these public trust purposes, and private stream diversions can only be approved if the diverter can demonstrate an actual and quantified need for water that is both reasonable, beneficial, and justified in light of these public trust purposes and any other competing reasonable beneficial uses.

Yet, for the east Maui watershed, in its annual approvals of RPs allowing the diversion of tens of millions of gallons of water per day from streams that feed aquifers, estuaries, and springs depended upon by native species and other natural and cultural resources protected under the public trust doctrine, the BLNR made no such presumption in favor of public trust purposes, made no explicit consideration of these purposes, and failed to require the applicant to demonstrate the actual amount of water it would need for each annual RP period.

Despite his stated recognition of the BLNR's historical failure to safeguard the public trust, the nominee's actions in leading decision-making on the east Maui stream diversion RPs each year since 2016 suggest otherwise. These actions suggest a concerning, deference to the interests and unverified statements of the applicant to divert water, and a concerning dismissal of the concerns of members of the public, including Native Hawaiian cultural practitioners, farmers, and organizations. When questioned by a member of the Committee about his most recent motion to increase the amount of water allowed to be diverted from the staff-recommended thirty-five million gallons a day to forty-five million gallons a day, measured over the year, the nominee could point to nothing beyond the applicant's request to justify his motion. Additional testimony from the public to the Committee revealed that when concerns about diversion structures spreading invasive species were raised, the nominee attempted to counter these concerns by showing how the

¹ "[W]here there are present or potential threats of serious damage, lack of full scientific certainty should not be a basis for postponing effective measures to prevent environmental degradation... In addition, where uncertainty exists, a trustee's duty to protect the resource mitigates in favor of choosing presumptions that also protect the resource." In re Water Use Permit Applications, 94 Hawaii 97, 154-55, 9 P.3d 409, 466-67 (2000).

² See, Haw. Const. Art. XI, §7, Haw. Rev. Stat. §174C; See also In re Water Use Permit Applications, 94 Hawaii 97, 130, (2000).

applicant contributes toward public-private partnerships for invasive species removal, which turned out to not be the case. Testimony to the Committee also revealed that when members of the public presented evidence of rusty pipes, broken cement blocks, and other debris in the stream to the BLNR, the nominee took the applicant at its word that all trash and debris had been removed when it apparently had not been. Renewing the RPs for east Maui stream water inflated the sales value of the applicant's land that receives this stream water by \$62,000,000, yet the nominee made no effort to recover any of that profit that could have been used to advance the DLNR's mission.

The nominee could have employed a wide variety of regulatory mechanisms to ensure the applicant's compliance with strict RP conditions. Unfortunately, he did not do that. Over the past four years, the nominee failed to uphold his duty as a trustee by failing to ensure that a minimum amount of water flowed in streams that the Water Commission's 2018 decision did not address, failing to require those seeking the diversion of stream water to demonstrate their actual, quantified need for such water during each RP period, failing to determine whether and to what extent this need would impact, and be justified in light of, the public trust purposes in the streams to be diverted, failing to require monitoring and reporting of the amount of water left in streams and the amount of water diverted from streams, and eventually delivered to and used in central Maui, failing to require that those profiting from RP diversions contribute to the control of invasive species in the east Maui watershed, failing to address the harm caused by diversion structures and discarded pipes on public land, and failing to scrutinize requests from those private entities seeking stream diversions, including the request for even more water far in excess of how much water was recommended by DLNR staff, particularly in light of how much water has actually been used for farming in previous RP periods, how much might reasonably be needed in the prospective RP period, and how much has been wasted.

V. Na Pua Makani/North Shore Wind Farm

The nominee was active in BLNR deliberations regarding various approvals for the Na Pua Makani wind project. At issue was the proposed Habitat Conservation Plan (HCP) for the highly endangered 'ōpe'ape'a (Hawaiian hoary bat).

The contested case hearing officer, after months of investigation, evidence, briefings, and arguments found Na Pua Makani's plan to protect bats from harm caused by the wind turbines to be inadequate and recommended the plan be returned to the Endangered Species Recovery Committee (ESRC) for reconsideration. The nominee, however, made a motion to reject the hearing officer's recommendation and approve the HCP for the 'ōpe'ape'a, despite the insufficiencies identified by the hearings officer. At the Committee's hearing, the nominee explained that his rationale for rejecting the hearing officer's recommendation was based on prioritizing the clean energy needs over the protection of endangered species.

Issues identified during the contested case hearing process are now included in the latest draft guidance for protection of the 'ōpe'ape'a. The BLNR decision to accept the HCP and issue an Incidental Take License is now on appeal at the Hawaii Supreme Court.

Originally proposed as fourteen 428-foot turbines, Na Pua Makani revised its plans to fewer, yet taller turbines. Toward the end of the community engagement process and HCP discussions at the ESRC, the turbine height was increased to 512-feet. The maximum height was increased again to 656-feet (sixty-five stories tall) by the time the EIS was presented for approval to the BLNR. By the end of the contested case, Na Pua Makani modified its request to build eight turbines of 568-feet in height.

Except for a handful of residents who expressed interest in managing the community benefits package of \$10,000 per turbine per year, there has been widespread community opposition for this second wind project in Kahuku.

The newly constructed 568-foot turbines that surround Kahuku have led to significant strife and pain and emotional stress in that community. More than two hundred people were arrested for protesting the delivery of turbine parts for this wind project. When asked during the committee hearing what he would say to the people of Kahuku, the nominee said, "I understand the reasons for wanting your view plane to remain the same, I understand that, I urge people to put it in their minds to look at the wind turbines with a point of pride."

This reflects a concerning disconnect between the nominee and the constituents served by the BLNR. Granted, while public sentiment should not necessarily dictate BLNR decisions, it is nonetheless necessary to mindfully consider how board decisions can affect communities.

B. Additional Concerns

In the course of its review of the nominee's performance, the Committee also identified additional areas of concern that warrant further consideration.

I. BLNR Meetings and Minutes

BLNR meeting minutes are a government record as defined by chapter 92F, Hawaii Revised Statutes, and section 13-1-2, Hawaii Administrative Rules. These are the official record of all actions taken by the BLNR. It is crucial to the functioning of the government that the minutes accurately reflect the discussion and actions taken by the Board.

Public testimony received by the Committee raised serious concerns about the accuracy of BLNR minutes. Upon further inquiry and questioning, the Committee confirmed that: the nominee prepared minutes of BLNR meetings where he participated in the decision-making, there are substantive inconsistencies between the audio recordings of a BLNR meeting and the nominee's minutes of that meeting on (agenda item D-14 on December 14, 2018), and the discrepancies resulted in significant confusion between all parties that frustrated efforts to resolve a long-standing dispute over stream water access on Kauai. According to correspondence from the DLNR Chair dated July 5, 2020, the nominee prepared drafts of minutes on January 13, 2017; January 27, 2017; February 10, 2017; February 24, 2017; May 26, 2017; June 9, 2017; and December 14, 2018. Based on audio from the December 8, 2017, BLNR meeting, the Committee also affirmatively believes the nominee worked on the minutes from the November 9, 2017, meeting.

Your Committee finds that there was sincere confusion over the motion on which the BLNR voted at its meeting on December 14, 2018. On April 26, 2019, the applicant confirmed that there was confusion about the details of the BLNR's December decision. During

the committee hearing, the nominee conceded to the Committee that he was confused about the motion at that BLNR hearing. The Committee finds that where there is confusion regarding an agency's action, the appropriate remedy is to clarify the agency action at a properly noticed public meeting. Unfortunately, that did not occur.

In this situation, the nominee made a detailed motion at the BLNR hearing on December 14, 2018. The nominee began by saying that he would "like to put substantive things on the record" and then detailed a motion to renew the RP and restore water to the stream. He said, "I'm making a motion to approve the renewal of the permit with conditions set by the staff recommendation which involve putting back 4 million gallons a day into the stream, into Waialeale Stream, and a million plus I think is the number, I don't remember exactly into Waikoko Stream." The audio recording from the discussion of this agenda item shows that the Commission on Water Resource Management (CWRM) staff when asked by a BLNR member what other streams would water be returned besides the Waialeale stream stating, "Per the land division submittal, 1.6 MGD for Waikoko Stream."

The nominee then prepared the minutes of that meeting, as confirmed by the Chair, and they were posted in draft form to the BLNR website in January 2019. Those minutes, however, did not include any of the important details of the nominee's motion. The minutes of the motion state,

D-13. The holdover of Revocable Permit No. S-7340 to Kauai Island Utility Cooperative ("KIUC"9, as amended. The Board included a condition that KIUC is to invite Earthjustice, Kia, Wai 0 Wai ale 'ale, Sierra Club, Grove Farm, and the Department of Hawaiian Home Lands (together, the "Working Group"), to participate in a facilitated discussion regarding their respective positions on KIUC's request to use State water for its hydroelectricity plants in the permit area, as well as any other relevant matters they choose to discuss. The Working Group may invite other individuals or organizations to participate in the discussion. KIUC shall report back to the Board on the progress of the discussions in three months.

MOTION: Approved as amended (Yuen, Roehrig) unanimous. Member Oi recused.

Your Committee, after listening to the audio and reviewing the minutes affirmatively, have concluded that the December 14, 2018, minutes, prepared by the nominee, are not accurate.

Then on April 26, 2019, when the parties returned to the BLNR for an informational briefing about the status of their mandated mediation, the BLNR learned that the mediation was not successful because there was a discrepancy between what was heard at the BLNR meeting and the minutes of that meeting. Instead of remedying this discrepancy by holding a publicly noticed meeting to clarify the motion and board action, the nominee attempted during this informational briefing to explain the discrepancy by recharacterizing the BLNR's December motion in a way that favored the applicant taking more water from the stream. As a result of the confusion about the BLNR motion, the mediation process between the applicant and the public broke down.

Your Committee finds that the nominee's treatment of the minutes for the BLNR meeting on December 14, 2018, to be inappropriate. Accurate minutes of agency meetings are crucial to ensuring public faith in BLNR decisions. The Committee also finds there to be a concerning correlation between the minutes prepared for the December 14, 2018, meeting by the nominee, which omitted key parts of the CWRM staff testimony and the "on the record" motion made to the board by the nominee, and input by the nominee four months later on April 26, 2019, which ultimately influenced the record in a manner that could be interpreted to be inconsistent with the previous board action.

Moreover, your Committee finds that it is incumbent on all members of the BLNR to ensure that they understand the motion being considered, review all minutes to verify they accurately reflect the actions taken at each meeting, and immediately address any confusion using established procedures. Unfortunately, none of those procedures were employed on this specific matter.

II. Section 171-4, Hawaii Revised Statutes

During the committee hearing a committee member suggested that the nominee should be disqualified due to a violation of section 171-4, Hawaii Revised Statutes. Section 171-4(a), Hawaii Revised Statutes, provides that "The board of land and natural resources shall be comprised of seven members, one from each land district and three at large, to be nominated and, by and with the advice and consent of the senate, appointed by the governor as provided in section 26-34. The term and removal of a member of the board and the filling of a vacancy on the board shall also be as provided in section 26-34. *There shall be not more than three members on the board from the same political party.*" (Emphasis added).

The committee member then identified three other members of the BLNR that were verified to be members of the same political party, which if including the nominee would be four members of the same political party, thereby violating section 171-4, Hawaii Revised Statutes. During the hearing, the nominee then stated that, "I think future service on the board at this point is more important to me than the Democratic party and I will resign." Although not formally provided to the Committee by the nominee, the Committee did receive correspondence from the DLNR Chairperson on July 5, 2020, that effective July 1 2020, after the hearing for the nominee, the Chairperson of the DLNR and the nominee have resigned from the Democratic Party.

CHAIR'S COMMENTS

Your Committee Chair notes that while the Governor is under no obligation to do so, it is concerning that the nominees to the BLNR have been overwhelmingly male. Out of his ten nominees to the BLNR, only two have been female. Additionally, there is only one woman on the Commission of Water Resource Management, the DLNR Chairperson, who serves on both the BLNR and CWRM. Of the eight seated members on the Land Use Commission (LUC), only two are female. The result is that women compose less than twenty percent of three of the most important and influential boards in the State.

Your Committee Chair also notes that in filling vacancies on the BLNR, for this and previous posts, the Governor's administration failed to open the positions to members of the public, instead filling positions with a preferred candidate. This was the same process employed when the administration filled the critical cultural practitioner position for the BLNR, which has proven highly problematic on the issues of Native Hawaiian rights and traditional practices. The failure to openly solicit qualified, willing applicants in good faith is concerning.

CONCLUSION

Your Committee believes that Mr. Yuen is thoughtful and highly educated, and his prior service to our State is sincerely appreciated. However, due to the concerns raised by your Committee, as highlighted in this report, your Committee believes it is time for a change and to give other highly qualified individuals on Hawai'i Island an opportunity to apply and serve on the BLNR. Your Committee again thanks the nominee for his participation in this process and wishes the nominee well in his future endeavors.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, recommends that the Senate not advise and consent to the nomination.

Signed by the Chair on behalf of the Committee.
Ayes, 4. Noes, 1 (Keith-Agaran). Excused, none.