

SEVENTEENTH DAY

Tuesday, February 16, 2021

The Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021, convened at 11:39 a.m. with the President in the Chair.

The Roll was called showing all Senators present, with Senators Chang, Dela Cruz, English, Gabbard, Keith-Agaran, Lee, Rhoads, Shimabukuro, and Wakai present and participating via videoconference.

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

At this time, Senator Misalucha acknowledged Daniel Kosasa, a member of her staff who had delivered a Moment of Contemplation prior to the Senate's floor session, and introduced other staff members, who were seated in the gallery: legislative director Richard Mizusawa, office manager Ami Sueyoshi, and legislative aide Bernadette Caalim.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 6) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 6, transmitting H.B. No. 356, H.D. 1, which passed Third Reading in the House of Representatives on February 12, 2021, was placed on file.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, H.B. No. 356, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIAL COUNCIL," passed First Reading by title and was referred to the Committee on Judiciary.

STANDING COMMITTEE REPORTS

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 244) recommending that S.B. No. 664 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 664, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 245) recommending that S.B. No. 744 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 744, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Second Reading and was referred to the Committee on Judiciary.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 246) recommending that S.B. No. 1194 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 1194, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS TO THE DEPARTMENT

OF PUBLIC SAFETY RELATING TO COVID-19 EXPENDITURES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 247) recommending that S.B. No. 1112, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 1112, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF DEFENSE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 248) recommending that S.B. No. 1187, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 1187, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Public Safety, Intergovernmental, and Military Affairs, presented a report (Stand. Com. Rep. No. 249) recommending that S.B. No. 1243, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means and the Committee on Judiciary.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 1243, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PHASEOUT OF PRIVATE CORRECTIONAL FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means and the Committee on Judiciary.

Senator Wakai, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 250) recommending that S.B. No. 850, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 850, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BROADBAND INFRASTRUCTURE FOR RURAL COMMUNITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Wakai, for the Committee on Energy, Economic Development, and Tourism, presented a report (Stand. Com. Rep. No. 251) recommending that S.B. No. 932, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and the Committee on Ways and Means.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 932, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," passed

Second Reading and was referred to the Committee on Judiciary and the Committee on Ways and Means.

Senator San Buenaventura, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 252) recommending that S.B. No. 1132, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means and the Committee on Judiciary.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 1132, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAID SUSTAINABILITY PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means and the Committee on Judiciary.

Senator San Buenaventura, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 253) recommending that S.B. No. 391, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 391, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 254) recommending that S.B. No. 255, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 255, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL MARINE LICENSES," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Inouye, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 255) recommending that S.B. No. 474, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection and the Committee on Judiciary.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 474, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection and the Committee on Judiciary.

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 256) recommending that S.B. No. 1219, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 1219, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII RESEARCH," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kim, for the majority of the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 257) recommending that S.B. No. 1218, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the majority of the Committee was adopted and S.B. No. 1218, S.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO TECHNOLOGY TRANSFER AT THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kim, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 258) recommending that S.B. No. 1222, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 1222, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONFERENCE CENTER REVOLVING FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator San Buenaventura, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 259) recommending that S.B. No. 1137, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 1137, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SPOUSE AND CHILD ABUSE SPECIAL FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Taniguchi, for the Committee on Labor, Culture and the Arts, presented a report (Stand. Com. Rep. No. 260) recommending that S.B. No. 676, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means and the Committee on Judiciary.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 676, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MINIMUM WAGE," passed Second Reading and was referred to the Committee on Ways and Means and the Committee on Judiciary.

Senator Dela Cruz, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 261) recommending that S.B. No. 384 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 384, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 17, 2021.

Senator Dela Cruz, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 262) recommending that S.B. No. 172, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 172, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 18, 2021.

Senator Dela Cruz, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 263) recommending that S.B. No. 594, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 594, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second

Reading and was placed on the calendar for Third Reading on Thursday, February 18, 2021.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 264) recommending that S.B. No. 186 pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 186, entitled: "A BILL FOR AN ACT RELATING TO RESTRICTIONS ON AGRICULTURAL USES AND ACTIVITIES," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 265) recommending that S.B. No. 495, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 495, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 266) recommending that S.B. No. 964, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 964, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WASTE MANAGEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Senator Gabbard, for the Committee on Agriculture and Environment, presented a report (Stand. Com. Rep. No. 267) recommending that S.B. No. 969, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection and the Committee on Judiciary.

On motion by Senator Keohokalole, seconded by Senator Fevella and carried, the report of the Committee was adopted and S.B. No. 969, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL FUR PRODUCTS," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection and the Committee on Judiciary.

ORDER OF THE DAY

THIRD READING

Stand. Com. Rep. No. 242 (S.B. No. 336, S.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 242 was adopted and S.B. No. 336, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 243 (S.B. No. 144, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 243 was adopted and S.B. No. 144, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A SCHOOL SUPPLY SUBSIDY PILOT

PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of Senate concurrent resolutions offered on Friday, February 12, 2021:

S.C.R. No.: Referred to:

S.C.R. No. 28 Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means

S.C.R. No. 29 Committee on Government Operations

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of Senate resolutions offered on Friday, February 12, 2021:

S.R. No.: Referred to:

S.R. No. 17 Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means

S.R. No. 18 Committee on Government Operations

RE-REFERRAL OF SENATE BILLS

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

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

S.B. No. 727 Committee on Judiciary

S.B. No. 1419 Committee on Judiciary

At this time, Senator Chang, chair of the Committee on Housing, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 1, Relating to Housing.

Senator Chang noted:

"Due to a technical error, the Senate Draft 1 was not posted to the Capitol website until Sunday night and many people did not receive email notifications about the hearing. This waiver is being requested to be transparent about the fact that not everyone had 72-hours' notice on this bill, which is being heard at 1:45 p.m. today."

The Chair granted the waiver, and reiterated that the public hearing would take place that afternoon at 1:45 p.m. in Conference Room 225 and via videoconference.

The Chair announced that there would be a leadership meeting immediately following adjournment.

ADJOURNMENT

At 11:44 a.m., on motion by Senator Keohokalole, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Wednesday, February 17, 2021.