

TWENTY-FIRST DAY

Monday, February 22, 2021

The Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021, convened at 11:45 a.m. with the President in the Chair.

The Roll was called showing all Senators present, with Senators Chang, Gabbard, Ihara, Keohokalole, Lee, Rhoads, Shimabukuro, and Wakai present and participating via videoconference.

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

At this time, on behalf of Senator Nishihara and herself, Senator Kidani acknowledged Waipahu High School students Hollie Rader and Ashley Valois, who had been selected for the United States Senate Youth Program. Senator Kidani also recognized Waipahu High School Principal Keith Hayashi, post-high school career counselors Kayleen Akana and Lisa Scudder, and their photographer, Bradley Nakamura, a 2017 Waipahu High School graduate.

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 1) was read by the Clerk and was placed on file:

Gov. Msg. No. 1, letter dated February 19, 2021, transmitting proposed changes to the FB 2021-23 Executive Budget for the Departments of Budget and Finance, Education, Health, Human Services, and Labor and Industrial Relations.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 30 to 40) were read by the Clerk and were referred to committee:

S.C.R. No. 30 "SENATE CONCURRENT RESOLUTION REQUESTING 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 KA'U WATER SYSTEM."

Offered by: Senators Kanuha, Keith-Agaran, Shimabukuro.

Referred to: Committee on Hawaiian Affairs

S.C.R. No. 31 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A NEEDS ASSESSMENT OF RURAL AREAS IN THE THIRD SENATORIAL DISTRICT THAT IDENTIFIES INFRASTRUCTURE IMPROVEMENTS NECESSARY TO ENSURE BROADBAND ACCESS FOR RESIDENTS."

Offered by: Senator Kanuha.

Referred to: Committee on Government Operations

S.C.R. No. 32 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO CONDUCT A COST ANALYSIS STUDY OF CONSOLIDATING WEST HAWAII STATE OFFICES INTO A SINGLE CONVENIENTLY LOCATED COMPLEX."

Offered by: Senators Kanuha, Kidani.

Referred to: Committee on Energy, Economic Development, and Tourism

S.C.R. No. 33 "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF PRIMARY CARE AND RURAL HEALTH TO FACILITATE DISCUSSIONS WITH KEY COMMUNITY HEALTH AND SOCIAL SERVICE ORGANIZATIONS WITHIN WEST HAWAII AND MAJOR HEALTHCARE STAKEHOLDERS IN SENATE DISTRICT 3 TO ADDRESS THE HEALTH AND WELLNESS NEEDS OF THE MOST VULNERABLE BY ALIGNING THE GOALS AND OBJECTIVES OF KEY ORGANIZATIONS INTO ONE SHARED 2030 HEALTH VISION PLAN."

Offered by: Senators Kanuha, Keith-Agaran.

Referred to: Committee on Health

S.C.R. No. 34 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE COUNTY OF HAWAII OFFICE OF AGING TO CONDUCT A STUDY ON THE NECESSITY AND FEASIBILITY OF A SENIOR LIVING CENTER IN THE KA'U DISTRICT."

Offered by: Senators Kanuha, Misalucha, San Buenaventura.

Referred to: Jointly to the Committee on Energy, Economic Development, and Tourism and the Committee on Human Services

S.C.R. No. 35 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO FULFILL A PLAN FOR IMPROVING ITS PROCESS FOR FULFILLING VITAL RECORD REQUESTS FROM NEIGHBOR ISLAND RESIDENTS."

Offered by: Senators Kanuha, Acasio, Keith-Agaran.

Referred to: Committee on Health

S.C.R. No. 36 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR'S COORDINATOR ON HOMELESSNESS TO PROVIDE A STATUS UPDATE ON KUKU'OLA VILLAGE AND WORK WITH THE HAWAII INTERAGENCY COUNCIL ON HOMELESSNESS TO FURTHER FUND THE KA LAMAKU SHELTER UNTIL THE CONSTRUCTION OF KUKU'OLA VILLAGE IS COMPLETED."

Offered by: Senators Kanuha, Acasio, Chang, San Buenaventura.

Referred to: Committee on Human Services

S.C.R. No. 37 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON CARDIOPULMONARY RESUSCITATION INSTRUCTION BEING OFFERED THROUGHOUT STATE DEPARTMENTS."

Offered by: Senators Kanuha, Acasio, San Buenaventura.

Referred to: Committee on Health

S.C.R. No. 38 "SENATE CONCURRENT RESOLUTION URGING THE HAWAII STATE DEPARTMENT OF EDUCATION SCHOOL FOOD SERVICES BRANCH TO ADOPT AN ADDENDUM TO ITS AGREEMENTS FOR THE 'AINA PONO HAWAII STATE FARM TO SCHOOL PROGRAM REQUIRING THE PROCUREMENT OF GOODS AND/OR SERVICES FROM FOOD HUBS."

Offered by: Senators Kanuha, Kidani, Gabbard.

Referred to: Committee on Education

S.C.R. No. 39 “SENATE CONCURRENT RESOLUTION URGING THE COUNTY OF HAWAII TO UTILIZE THE DATA RESULTING FROM THE 2020 UNITED STATES CENSUS TO ESTABLISH, IF ALLOWABLE, A METROPOLITAN PLANNING ORGANIZATION FOR THE COUNTY OF HAWAII.”

Offered by: Senators Kanuha, Acasio, Keith-Agaran, San Buenaventura.

Referred to: Committee on Transportation

S.C.R. No. 40 “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A NEEDS ASSESSMENT FOR THE FEASIBILITY AND EFFECTIVENESS OF A DIVISION OF OCEAN AND COASTAL MANAGEMENT WITHIN THE DEPARTMENT OF LAND AND NATURAL RESOURCES.”

Offered by: Senators Kanuha, Keith-Agaran.

Referred to: Committee on Water and Land

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 19 to 29) were read by the Clerk and were referred to committee:

S.R. No. 19 “SENATE RESOLUTION REQUESTING 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 KA‘U WATER SYSTEM.”

Offered by: Senators Kanuha, Keith-Agaran, Shimabukuro.

Referred to: Committee on Hawaiian Affairs

S.R. No. 20 “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A NEEDS ASSESSMENT OF RURAL AREAS IN THE THIRD SENATORIAL DISTRICT THAT IDENTIFIES INFRASTRUCTURE IMPROVEMENTS NECESSARY TO ENSURE BROADBAND ACCESS FOR RESIDENTS.”

Offered by: Senator Kanuha.

Referred to: Committee on Government Operations

S.R. No. 21 “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO CONDUCT A COST ANALYSIS STUDY OF CONSOLIDATING WEST HAWAII STATE OFFICES INTO A SINGLE CONVENIENTLY LOCATED COMPLEX.”

Offered by: Senators Kanuha, Kidani.

Referred to: Committee on Energy, Economic Development, and Tourism

S.R. No. 22 “SENATE RESOLUTION REQUESTING THE OFFICE OF PRIMARY CARE AND RURAL HEALTH TO FACILITATE DISCUSSIONS WITH KEY COMMUNITY HEALTH AND SOCIAL SERVICE ORGANIZATIONS WITHIN WEST HAWAII AND MAJOR HEALTHCARE STAKEHOLDERS IN SENATE DISTRICT 3 TO ADDRESS THE HEALTH AND WELLNESS NEEDS OF THE MOST VULNERABLE BY ALIGNING THE GOALS AND OBJECTIVES OF KEY ORGANIZATIONS INTO ONE SHARED 2030 HEALTH VISION PLAN.”

Offered by: Senators Kanuha, Keith-Agaran.

Referred to: Committee on Health

S.R. No. 23 “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE COUNTY OF HAWAII OFFICE OF AGING TO CONDUCT A STUDY ON THE NECESSITY AND FEASIBILITY OF A SENIOR LIVING CENTER IN THE KA‘U DISTRICT.”

Offered by: Senators Kanuha, Misalucha, San Buenaventura.

Referred to: Jointly to the Committee on Energy, Economic Development, and Tourism and the Committee on Human Services

S.R. No. 24 “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO PROVIDE A PLAN FOR IMPROVING ITS PROCESS FOR FULFILLING VITAL RECORD REQUESTS FROM NEIGHBOR ISLAND RESIDENTS.”

Offered by: Senators Kanuha, Acasio, Keith-Agaran.

Referred to: Committee on Health

S.R. No. 25 “SENATE RESOLUTION REQUESTING THE GOVERNOR’S COORDINATOR ON HOMELESSNESS TO PROVIDE A STATUS UPDATE ON KUKUI‘OLA VILLAGE AND WORK WITH THE HAWAII INTERAGENCY COUNCIL ON HOMELESSNESS TO FURTHER FUND THE KA LAMAKU SHELTER UNTIL THE CONSTRUCTION OF KUKUI‘OLA VILLAGE IS COMPLETED.”

Offered by: Senators Kanuha, Acasio, Chang, San Buenaventura.

Referred to: Committee on Human Services

S.R. No. 26 “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON CARDIOPULMONARY RESUSCITATION INSTRUCTION BEING OFFERED THROUGHOUT STATE DEPARTMENTS.”

Offered by: Senators Kanuha, Acasio, San Buenaventura.

Referred to: Committee on Health

S.R. No. 27 “SENATE RESOLUTION URGING THE HAWAII STATE DEPARTMENT OF EDUCATION SCHOOL FOOD SERVICES BRANCH TO ADOPT AN ADDENDUM TO ITS AGREEMENTS FOR THE ‘AINA PONO HAWAII STATE FARM TO SCHOOL PROGRAM REQUIRING THE PROCUREMENT OF GOODS AND/OR SERVICES FROM FOOD HUBS.”

Offered by: Senators Kanuha, Kidani, Gabbard.

Referred to: Committee on Education

S.R. No. 28 “SENATE RESOLUTION URGING THE COUNTY OF HAWAII TO UTILIZE THE DATA RESULTING FROM THE 2020 UNITED STATES CENSUS TO ESTABLISH, IF ALLOWABLE, A METROPOLITAN PLANNING ORGANIZATION FOR THE COUNTY OF HAWAII.”

Offered by: Senators Kanuha, Acasio, Keith-Agaran, San Buenaventura.

Referred to: Committee on Transportation

S.R. No. 29 “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A NEEDS ASSESSMENT FOR THE FEASIBILITY AND EFFECTIVENESS OF A DIVISION

OF OCEAN AND COASTAL MANAGEMENT WITHIN THE DEPARTMENT OF LAND AND NATURAL RESOURCES.”

Offered by: Senators Kanuha, Keith-Agaran.

Referred to: Committee on Water and Land

STANDING COMMITTEE REPORTS

Senator Dela Cruz, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 586) recommending that S.B. No. 1091, 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. 1091, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE FUNDS,” passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 24, 2021.

Senator Dela Cruz, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 587) recommending that S.B. No. 1203, 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. 1203, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TITLE 14, HAWAII REVISED STATUTES,” passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 24, 2021.

Senators Rhoads and Dela Cruz, for the Committee on Judiciary and the majority of the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 588) recommending that S.B. No. 981, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 588 and S.B. No. 981, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS,” was deferred until Wednesday, February 24, 2021.

Senators Dela Cruz and Rhoads, for the Committee on Ways and Means and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 589) recommending that S.B. No. 891, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 589 and S.B. No. 891, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT,” was deferred until Wednesday, February 24, 2021.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 590) recommending that S.B. No. 402 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. 402, entitled: “A BILL FOR AN ACT RELATING TO REIMBURSEMENTS FOR EXPENDITURES BY COMMITTEES,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 23, 2021.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 591) recommending that S.B. No. 548, 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. 548, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ELECTIONS BY MAIL,” passed Second

Reading and was placed on the calendar for Third Reading on Wednesday, February 24, 2021.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 592) recommending that S.B. No. 1387, 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. 1387, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MICROCHIP IDENTIFICATION,” passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 24, 2021.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 593) recommending that S.B. No. 1327, 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. 1327, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES OR THE SESSION LAWS OF HAWAII FOR THE PURPOSES OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, OR DELETING OBSOLETE OR UNNECESSARY PROVISIONS,” passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 24, 2021.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 594) recommending that S.B. No. 834, 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. 834, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHILDLIKE SEX DOLLS,” passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 24, 2021.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 595) recommending that S.B. No. 714, 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. 714, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLICITY RIGHTS,” passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 24, 2021.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 596) recommending that S.B. No. 630, 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. 630, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT,” passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 24, 2021.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 597) recommending that S.B. No. 566, 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. 566, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMESTEAD EXEMPTIONS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 24, 2021.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 598) recommending that S.B. No. 406, 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. 406, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING COMMISSION STAFF," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 24, 2021.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 599) recommending that S.B. No. 148, 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. 148, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 24, 2021.

ORDER OF THE DAY

THIRD READING

S.B. No. 1092, S.D. 1:

Senator Dela Cruz moved that S.B. No. 1092, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Keith-Agaran.

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

"The Legislature could and, I believe, should have raised the conveyance tax last year to address needs we're facing now. Protecting profit margins of those wealthy enough to be shopping for property in a recession is not more important than our environment or housing those in need."

The motion was put by the Chair and carried, S.B. No. 1092, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Fevella, Ihara, Kim). Noes, 1 (Acasio).

S.B. No. 1240, S.D. 1:

Senator Dela Cruz moved that S.B. No. 1240, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Keith-Agaran.

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

"I believe the language is too vague in this bill. I would like to ensure that those tax exclusions pertaining to individuals that were listed in the act will also be conformed with not just those tax exclusions that only benefit businesses."

The motion was put by the Chair and carried, S.B. No. 1240, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CONFORMITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Acasio). Noes, none.

S.B. No. 65, S.D. 1:

Senator Baker moved that S.B. No. 65, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chang.

Senator Baker rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

"Mr. President, I rise in support of SB65 SD1, Relating to Intoxicating Liquor.

"Due to the COVID-19 pandemic and the governmental responses to contain the spread of COVID-19 by closing bars, clubs and in-person dining, craft beer manufacturers and local liquor producers have lost income due to reduced sales. Wholesalers have shown little interest in expanding distribution opportunities for local, small craft breweries, especially for markets outside of Hawaii. It is therefore necessary to allow brewpubs, small craft producer pubs, and other alcohol manufacturers to obtain direct shipper permits, as smaller producers usually do not have access to distributors or wholesalers that adequately represent the unique aspects of craft beer and alcohol made in Hawaii.

"The State of Hawaii stands to gain additional tax revenue from this legislation. Direct to consumer shipping offers opportunities for Hawaii's craft beer and liquor manufacturers to increase their production to meet the demand for increased sales. This in turn increases beer excise and gallonage taxes, adding to alcohol tax revenue for the State of Hawaii. Reciprocity created through this legislation facilitates market expansion into other states for Hawaii manufacturers. Direct shipping provides tax revenue to the State of Hawaii, with payment by beer and other liquor producers for product they may ship directly into our state.

"Direct to consumer shipping is critical to the survival of breweries due to the COVID-19 pandemic. Direct shipment of wine is already allowed and adding language to export craft beer and other liquor to other states and direct shipping between the islands can be accomplished using a similar process to what is already in place for wine. This measure will allow manufacturers in Hawaii to access customers through direct shipping to help meet the current needs for those businesses struggling through the financial challenges brought upon by COVID-19.

"Please join me in support of SB65 SD1. Mahalo."

The motion was put by the Chair and carried, S.B. No. 65, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 610, S.D. 1:

Senator Baker moved that S.B. No. 610, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chang.

Senator Baker rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

"Mr. President, I rise in strong support of SB610, Relating to Boards and Commissions.

“This measure prohibits public members from being engaged in the occupation that the board regulates, from being associated with a member of the occupation that the board or commission regulates that association of results in a material conflict of interest, or having a direct financial interest in the occupation that the board regulates.

“The role of a public member on a licensing board is to represent the public interest. The presence of a well-informed public member brings several advantages to regulation. A public member reduces the potential for board decisions that favor the industry over the public and the potential for decisions that illegitimately favor one faction of an industry over another, encourages public participation in government decision-making, enhances the public’s confidence and trust, and strengthens the board’s credibility in its decision-making and advocacy.

“Please join me in support of SB610 SD1. Mahalo.”

The motion was put by the Chair and carried, S.B. No. 610, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 784, S.D. 1:

Senator Baker moved that S.B. No. 784, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chang.

Senator Baker rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

“Mr. President, I rise in strong support of SB784 SD1, Relating to Association Governance.

“The COVID-19 pandemic has prevented many, if not most, of the condominium associations whose annual meetings were scheduled after March 16, 2020, from having their annual meetings, due to the prohibition on socially gathering in large numbers and a result of the Governor’s emergency proclamation. The COVID-19 pandemic has further established the need for common interest communities to have flexibility regarding meetings. This measure is important to enable these communities to efficiently conduct their business during pandemics and other emergency situations.

“The need to have flexibility regarding meetings is evident considering the current pandemic. As the state legislature has experienced, electronic meetings have kept us connected and allowed important work to continue despite the restriction on physically gathering in large numbers. Most association bylaws were written when videoconferencing did not exist and now that we have the option for electronic meetings it is necessary to allow all boards to conduct their meetings and elections electronically.

“Please join me in support of SB784 SD1. Mahalo.”

The motion was put by the Chair and carried, S.B. No. 784, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ASSOCIATION GOVERNANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 799, S.D. 1:

Senator Baker moved that S.B. No. 799, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chang.

Senator Baker rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

“Mr. President, I rise in strong support of SB799 SD1, Relating to Condominiums.

“Because there is a lack of affordable housing options for Hawaii residents, there is a need for more policies to promote owner-occupancy and new condominium developments to increase the housing pool for Hawaii residents.

“This measure amends condominium laws regarding sales to owner-occupants inapplicable to time share units and increased the minimum number of residential units in a condominium project that must be offered for sale to prospective owner-occupants in the thirty-day period following the initial date of sale of the condominium from fifty percent to sixty-seven percent. These amendments will encourage developers to promote owner-occupied units and allow more residents to affordably live in Hawaii.

“Please join me in support of SB799 SD1. Mahalo.”

The motion was put by the Chair and carried, S.B. No. 799, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONDOMINIUMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Fevella). Noes, none.

Stand. Com. Rep. No. 402 (S.B. No. 29, S.D. 2):

Senator Dela Cruz moved that Stand. Com. Rep. No. 402 be adopted and S.B. No. 29, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Keith-Agaran.

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

“I believe this constitutional amendment leads the public to believe our problem is one of production when it is actually about who we are selling housing supply to. When it comes to managing population growth, locals are leaving Hawai’i because we are too busy selling our current housing production to out-of-state investors who leave their dwellings empty, and locals cannot outbid them with their low wages. Mahalo.”

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

“My concern is that we’re putting a plan in the constitution and yet, this is something that we should be able to do. We have enough tools in the Legislature. If we feel that the administration is not putting together a housing plan or it’s directing us to do a plan, I’m not sure why we would put it into the constitution. We have the budget; we have confirmation powers to have and encourage this kind of planning, and so I don’t think it’s appropriate that we put it into the constitution.

“I also have a concern that the language of the bill says, ‘the demand’: We have to plan for the demand, yet demand changes, and so I’m not sure at what point we could be sued by the public if, in fact, the plan does not meet any demand, so for those reasons ...

“And it does have a defective date on it, and so, therefore, I’m voting ‘with reservations,’ and if it comes back, I may have

to vote 'no' on it. And it's not because I'm against housing—certainly, that's not it. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 402 was adopted and S.B. No. 29, S.D. 2, entitled: “A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE IX, SECTION 6, OF THE HAWAII STATE CONSTITUTION, TO REQUIRE THE STATE AND ITS POLITICAL SUBDIVISIONS TO PLAN TO PRODUCE ENOUGH HOUSING TO MEET DEMAND IN THEIR MANAGEMENT OF POPULATION GROWTH,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Acasio, English, Fevella, Inouye, Kidani, Kim, Nishihara, Riviere). Noes, 1 (San Buenaventura).

Stand. Com. Rep. No. 403 (S.B. No. 715, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 403 was adopted and S.B. No. 715, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PUEO DEVELOPMENT, LLC,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 404 (S.B. No. 772, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 404 was adopted and S.B. No. 772, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 405 (S.B. No. 1385, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 405 was adopted and S.B. No. 1385, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1278, H.D. 1:

Senator Taniguchi moved that H.B. No. 1278, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Dela Cruz.

Senator Rhoads spoke in support of the measure with reservations as follows:

“I understand the need to hold the schedules at temporarily below where they would normally go under the statutory scheme. I'm concerned that we are keeping them down too long because once they do go up, they're going to stay at schedule H indefinitely because we have such a huge hole, so I'm voting 'yes with reservations,' but I worry about the long-term consequences of not starting to raise the rates. Mahalo.”

The motion was put by the Chair and carried, H.B. No. 1278, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Rhoads). Noes, none.

Stand. Com. Rep. No. 571 (S.B. No. 662, S.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 571 was adopted and S.B. No. 662, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAX CREDITS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 572 (S.B. No. 668, S.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 572 was adopted and S.B. No. 668, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 573 (S.B. No. 1412, S.D. 2):

Senator Dela Cruz moved that Stand. Com. Rep. No. 573 be adopted and S.B. No. 1412, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Keith-Agaran.

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

“My reading, according to Budget and Finance, public benefit includes utilities, healthcare facilities, and schools. The tax exemption for the local investor allows the developer to pay them a lower interest rate; basically, the savings trickle up to the corporate developer and pads their profit margin. I do realize that there is discussion and conversation about creating jobs and such, but it just becomes a little bit vague in the terminology when you look at budget and finance. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 573 was adopted and S.B. No. 1412, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR THE HONOKEA SURF VILLAGE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Acasio).

Stand. Com. Rep. No. 574 (S.B. No. 1413, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 574 was adopted and S.B. No. 1413, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 575 (S.B. No. 179, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 575 was adopted and S.B. No. 179, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO IRRIGATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 576 (S.B. No. 1179, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 576 was adopted and S.B. No. 1179, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO FUNDING FOR THE DIVISION OF

CONSERVATION AND RESOURCES ENFORCEMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 577 (S.B. No. 935, S.D. 2):

Senator Dela Cruz moved that Stand. Com. Rep. No. 577 be adopted and S.B. No. 935, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Keith-Agaran.

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

“Space tourism is not diversifying our tourism-dependent economy. Instead of creating an infrastructure for escape pods for the world’s wealthiest polluters, we should invest every cent and every effort into saving **this** planet and our islands and our people. Particularly, space launch facilities come with heavy environmental impact. A similar idea was proposed two miles outside of Senate District 1 recently and it had tremendous opposition. The State is setting itself up to experience opposition similar to the opposition to TMT. Mahalo.”

Senator San Buenaventura rose to speak in support of the measure as follows:

“I just want to make sure that PISCES, when there is the transfer to the aerospace department, will still be allowed to do the basalt pavers, basalt rebar, and these innovative products that have nothing to do with space. With that concern, I still stand in strong support. Thank you.”

Senator Wakai spoke in support of the measure as follows:

“We talk about diversification of our economy, and oftentimes we look at Hawai’i and our proximity in the middle of the ocean as a detriment, and we often talk about the price of paradise, and I’m always a believer that we should try and change that discussion to global and should be global leaders in, and aerospace is one of those areas. Although I differ from the opinion of the senator from the Big Island, District 1, in this bill, as Senator San Buenaventura said, we’re talking about basalt. If man ultimately one day does colonize the moon, we’re going to practice it on the Big Island, and that just a few days ago was a glorifying moment for humankind when NASA sent a rover to Mars. There’s so much opportunity in the aerospace sector, and Hawai’i should be the global leader in that area, so this bill helps to create a clear direction in our efforts to capture this market, so it goes far beyond launching satellites into space. I hope that my colleagues will be supportive of this particular measure.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 577 was adopted and S.B. No. 935, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO AEROSPACE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Acasio).

Stand. Com. Rep. No. 578 (S.B. No. 1109, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 578 was adopted and S.B. No. 1109, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE STATE DISASTER RECOVERY PROGRAM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 579 (S.B. No. 512, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 579 was

adopted and S.B. No. 512, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM INCENTIVES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 580 (S.B. No. 1121, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 580 was adopted and S.B. No. 1121, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOUSING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 581 (S.B. No. 225, S.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 581 was adopted and S.B. No. 225, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INFRASTRUCTURE IMPROVEMENT DISTRICTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 582 (S.B. No. 339, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 582 was adopted and S.B. No. 339, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE IMPORTANT AGRICULTURAL LAND QUALIFIED AGRICULTURAL COST TAX CREDIT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 583 (S.B. No. 60, S.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 583 was adopted and S.B. No. 60, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 584 (S.B. No. 855, S.D. 1):

Senator Dela Cruz moved that Stand. Com. Rep. No. 584 be adopted and S.B. No. 855, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Keith-Agaran.

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

“Coffee borer beetle did not pop up overnight, nor did the coffee leaf rust. These pests are a result of decades worth of mismanagement, both in terms of soil depletion and the introduction of green coffee beans used for blending that harbor such pests. The question we are faced with now is how to handle this crisis. What we have learned by looking closely at the situation is that there are a significant number of coffee farms that are owned by one party and managed by another. It is not entirely clear what rights the farm owners, many of them who actually live on their farms, have when it comes to deciding whether or not these pesticides will be used.

“Senate Bill 855 mandates the State to request an exemption from the EPA to use a chemical that is not currently approved for use on coffee, a chemical that has not undergone the

necessary tests to prove that it is safe or effective for this application. It also mandates the State to pay for this pesticide. In doing so, Senate Bill 855 puts the State in the middle of a legal quagmire that is already brewing. How will the farmers who own the coffee fields they turned over to a third-party manager protect their property, themselves, their children, their pets, and their land from exposure to a chemical that has not been approved by the EPA for use in coffee? Clearly, lawsuits that arise from this problem will include the State, which, as the deepest pockets in the proceedings, will suffer the greatest consequence. This is not to mention Priaxor's unknown effect on bees and known toxic effects on our soils and aquatic life via the watershed. Mahalo."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 584 was adopted and S.B. No. 855, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COFFEE PEST CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Acasio).

Stand. Com. Rep. No. 585 (S.B. No. 1402, S.D. 2):

On motion by Senator Dela Cruz, seconded by Senator Keith-Agaran and carried, Stand. Com. Rep. No. 585 was adopted and S.B. No. 1402, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

RE-REFERRAL OF A SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

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

S.B. No. 1119, Committee on Public Safety, S.D. 1 Intergovernmental, and Military Affairs, then jointly to the Committee on Ways and Means and the Committee on Judiciary

STANDING COMMITTEE REPORTS

Senator Dela Cruz, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 600) recommending that S.B. No. 819, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 600 and S.B. No. 819, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOSPITAL SUSTAINABILITY PROGRAM," was deferred until Wednesday, February 24, 2021.

Senator Dela Cruz, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 601) recommending that S.B. No. 1018, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 601 and S.B. No. 1018, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EFFECTIVE GOVERNMENT OPERATIONS," was deferred until Wednesday, February 24, 2021.

Senator Dela Cruz, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 602) recommending that S.B. No. 1423, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 602 and S.B. No. 1423, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO THE STADIUM DEVELOPMENT DISTRICT," was deferred until Wednesday, February 24, 2021.

At this time, Senator Misalucha rose to share the following remarks:

"Mr. President, I rise to take a brief moment to honor the life of William Bains-Jordan, also known as Billy or BJ, who was the first state representative from 'Aiea, our district. He passed away on February 4th at his home in Madison, Alabama. He was 104 years old and passed peacefully. A former banker, he served in the House as a Republican from 1959 to 1962. His daughter Patricia Bains-Jordan described her father as humble but never quiet. Our community thanks him for his service. Thank you, Mr. President."

ADJOURNMENT

At 12:10 p.m., on motion by Senator Keohokalole, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Tuesday, February 23, 2021.