

## FORTY-SECOND DAY

## Monday, April 5, 2021

The Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021, convened at 11:43 a.m. with the President in the Chair.

The Roll was called showing all Senators present, with Senators Chang, Dela Cruz, English, Gabbard, Keohokalole, Kim, Lee, Moriwaki, Rhoads, Riviere, Shimabukuro, and Wakai present and participating via videoconference, and with the exception of Senator Ihara who was excused.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 6 and 794 to 813) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 6, letter dated April 1, 2021, transmitting proposed changes to the FB 2021-23 Executive Budget for various departments and requests for emergency and specific FY 2021-23 appropriations, was placed on file.

Gov. Msg. No. 794, submitting for consideration and confirmation to the Board of Education, the nomination of WILLIAM ARAKAKI, term to expire June 30, 2024, was referred to the Committee on Education.

Gov. Msg. No. 795, submitting for consideration and confirmation to the Board of Education, the nomination of CATHERINE PAYNE, term to expire June 30, 2024, was referred to the Committee on Education.

Gov. Msg. No. 796, submitting for consideration and confirmation to the Early Learning Board, the nomination of MARI UEHARA, term to expire June 30, 2023, was referred to the Committee on Education.

Gov. Msg. No. 797, submitting for consideration and confirmation to the Early Learning Board, the nomination of ERIN HENDERSON LACERDO, term to expire June 30, 2025, was referred to the Committee on Education.

Gov. Msg. No. 798, submitting for consideration and confirmation to the Board of Directors of the Hawaii Tourism Authority, the nomination of KEITH DOWNING, term to expire June 30, 2022, was referred to the Committee on Energy, Economic Development, and Tourism.

Gov. Msg. No. 799, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, the nomination of DAVID ARAKAWA, term to expire June 30, 2024, was referred to the Committee on Energy, Economic Development, and Tourism.

Gov. Msg. No. 800, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, the nomination of DYLAN CHING, term to expire June 30, 2024, was referred to the Committee on Energy, Economic Development, and Tourism.

Gov. Msg. No. 801, submitting for consideration and confirmation to the Board of Directors of the Hawaii Tourism Authority, the nomination of SIGMUND ZANE, term to expire June 30, 2024, was referred to the Committee on Energy, Economic Development, and Tourism.

Gov. Msg. No. 802, submitting for consideration and confirmation to the Board of Directors of the Hawaii Tourism Authority, the nomination of SHERRY MENOR-

MCNAMARA, term to expire June 30, 2024, was referred to the Committee on Energy, Economic Development, and Tourism.

Gov. Msg. No. 803, submitting for consideration and confirmation to the Advisory Board On Veterans' Services, the nomination of BRIDGET KOMINE, term to expire June 30, 2025, was referred to the Committee on Public Safety, Intergovernmental, and Military Affairs.

Gov. Msg. No. 804, submitting for consideration and confirmation to the Hawai'i Sister State Committee, the nomination of EDUARDO TOPENIO JR., term to expire June 30, 2023, was referred to the Committee on Labor, Culture and the Arts.

Gov. Msg. No. 805, submitting for consideration and confirmation to the Defender Council, the nomination of DAVID HAYAKAWA, term to expire June 30, 2022, was referred to the Committee on Judiciary.

Gov. Msg. No. 806, submitting for consideration and confirmation to the Hawai'i Medical Education Council, the nomination of JUDY KOVELL, term to expire June 30, 2023, was referred to the Committee on Higher Education.

Gov. Msg. No. 807, submitting for consideration and confirmation to the Hawai'i Medical Education Council, the nomination of ROBERT HONG, term to expire June 30, 2021, was referred to the Committee on Higher Education.

Gov. Msg. No. 808, submitting for consideration and confirmation to the Hawai'i Medical Education Council, the nomination of ROBERT HONG, term to expire June 30, 2025, was referred to the Committee on Higher Education.

Gov. Msg. No. 809, submitting for consideration and confirmation to the Hawai'i Medical Education Council, the nomination of MARY ANN ANTONELLI, term to expire June 30, 2023, was referred to the Committee on Higher Education.

Gov. Msg. No. 810, submitting for consideration and confirmation to the Commission on Fatherhood, the nomination of DANIEL KITTREDGE, term to expire June 30, 2025, was referred to the Committee on Human Services.

Gov. Msg. No. 811, submitting for consideration and confirmation to the Commission on Fatherhood, the nomination of ALLEN CARDINES, JR., term to expire June 30, 2025, was referred to the Committee on Human Services.

Gov. Msg. No. 812, submitting for consideration and confirmation to the Commission on Fatherhood, the nomination of JEFF ESMOND, term to expire June 30, 2023, was referred to the Committee on Human Services.

Gov. Msg. No. 813, submitting for consideration and confirmation to the Board of Directors of The Hawaii Health Systems Corporation, the nomination of LESLIE KIMURA, term to expire June 30, 2025, was referred to the Committee on Health.

## HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 390) was read by the Clerk and was placed on file:

Hse. Com. No. 390, informing the Senate that on April 1, 2021, the House disagreed to the amendments proposed by the Senate to H.B. No. 671, H.D. 2 (S.D. 2).

**STANDING COMMITTEE REPORTS**

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1521) recommending that H.B. No. 223, H.D. 1, 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 H.B. No. 223, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MASSAGE THERAPISTS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 7, 2021.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1522) recommending that H.B. No. 599, H.D. 1, 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 H.B. No. 599, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ASSOCIATION GOVERNANCE," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 7, 2021.

**ORDER OF THE DAY**

**THIRD READING**

H.B. No. 891, H.D. 2, S.D. 1:

Senator Rhoads moved that H.B. No. 891, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Keohokalole.

Senator Rhoads then offered the following amendment (Floor Amendment No. 4) to H.B. No. 891, H.D. 2, S.D. 1:

SECTION 1. House Bill No. 891, H.D. 2, S.D. 1, section 12, is amended by amending page 31, lines 20 to 21, to read as follows:

"SECTION 12. This Act shall take effect on January 1, 2022."

Senator Rhoads moved that Floor Amendment No. 4 be adopted, seconded by Senator Keohokalole.

Senator Rhoads spoke in support of the amendment as follows:

"Mr. President, there was some confusion when I made the announcement about what the effective date of this bill would be in committee, and this will clarify that the effective date is January 1, 2022."

The motion to adopt Floor Amendment No. 4 was put by the Chair and carried.

By unanimous consent, H.B. No. 891, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC GUNS," was placed on the calendar for Third Reading on Wednesday, April 7, 2021.

Stand. Com. Rep. No. 1518 (H.B. No. 416, H.D. 2, S.D. 2):

Senator Rhoads moved that Stand. Com. Rep. No. 1518 be adopted and H.B. No. 416, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Keohokalole.

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

"I want my constituents to know that, by passing this bill, we do not condemn humane tethering, with swivels or without swivels. My concern was the mentioning of tethering with or without swivels. This bill does not ban humane tethering at all, and I urge the advocates who, every year, ask us to pass an anti-tethering law, to teach my constituents and others how to humanely tether strong, large animals. Otherwise, unnecessary dog bites and dog deaths may occur as we move away from the one-bite rule. So, for those reasons, I stand in support."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1518 was adopted and H.B. No. 416, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SECTION 711-1109, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ihara).

**RE-REFERRAL OF HOUSE BILLS**

The Chair re-referred the following House bills that were received:

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

H.B. No. 766, Committee on Transportation, then to the H.D. 1, S.D. 1 Committee on Ways and Means

H.B. No. 862, Jointly to the Committee on Energy, H.D. 2, S.D. 1 Economic Development, and Tourism and the Committee on Higher Education, then jointly to the Committee on Ways and Means and the Committee on Commerce and Consumer Protection

**RE-REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

The Chair re-referred the following House concurrent resolutions that were received:

H.C.R. No.: Re-referred to:

H.C.R. No. 27 Committee on Agriculture and Environment

H.C.R. No. 84 Committee on Energy, Economic Development, and Tourism

H.C.R. No. 137, Committee on Energy, Economic H.D. 1 Development, and Tourism

At this time, the Chair clarified that they had talked about leaving the Journal open to receive a bill for Third Reading, but were going to instead close the Journal and post the bill on the following day's agenda for Third Reading on Thursday, April 8, 2021.

**ADJOURNMENT**

At 11:49 a.m., on motion by Senator Keohokalole, seconded by Senator Fevella and carried, the Senate adjourned until 11:30 a.m., Tuesday, April 6, 2021.